

Title 15 - Mississippi Department of Health

Part V – Office of Health Informatics

Subpart 85 – Public Health Statistics

CHAPTER 01 RULES GOVERNING THE REGISTRATION AND CERTIFICATION OF VITAL EVENTS

100 Definitions

100.01 Rule 1—Definitions

1. "Agency" means a county welfare department, a licensed or non-licensed adoption agency or any other individual or entity assisting in the finalization of an adoption.
2. "County medical examiner" means a licensed physician appointed to investigate and certify deaths affecting the public interest.
3. "County medical examiner investigator" means a non-physician trained and appointed to investigate and certify deaths affecting the public interest.
4. "Dead Body" means a human body or parts of such human body, the condition of which may reasonably lead to the conclusion that death has occurred.
5. "Embalming" means the arterial injection and the cavity injection and the cavity of an embalming fluid by a licensed embalmer.
6. "Fetal Death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.
7. "Filing" means the presentation of a vital record for registration by the Office of Vital Records Registration.
8. "Final Disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus.
9. "Induced Termination of Pregnancy" means the intentional termination of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus.

10. "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two or more unrelated individuals, or to which persons are committed by law.
11. "Legal Representative" means attorney, physician, funeral director, or other authorized agent acting on behalf of the registrant or his family.
12. "Licensed Adoption Agency" means any agency or organization performing adoption services duly licensed by the Mississippi Department of Human Services, Division of Family and Children's Services.
13. "Live Birth" Means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
14. "Medical examiner" means the state Medical Examiner, county medical examiners and county medical examiner investigators collectively, unless otherwise specified.
15. "Physician" means a person authorized or licensed under the laws of the state to practice medicine or osteopathy.
16. "Registration" means the acceptance by the Office of Vital Record Registration and the incorporation of a vital record into its official records.
17. "Reporting" means the submission of information relating to a vital event to the Office of Vital Records Registration for medical, health, statistical, or administrative uses, but not for incorporation into its permanent official records.
18. "State medical examiner" means the board certified forensic pathologist/physician appointed by the Commissioner of Public Safety to investigate and certify deaths which affect the public interest.
19. "System of Vital Statistics" includes the collection, registration, preservation, amendment, and certification of vital record; the collection of other required reports on vital events; and activities related thereto, including the tabulation, analysis, and publication of vital statistics.
20. "Vital Events" means the occurrences of live births, deaths, fetal deaths, induced termination of pregnancy, adoptions, marriages, divorces and annulments.
21. "Vital Records" means certificates or reports of the following categories of vital events; births, deaths, marriages, divorces and annulments and data related thereto.

22. "Vital Statistics" means the data derived from certificates and reports of all categories of vital events and related reports.

101 Authority, Penalty

101.01 Statutory Authority

§ 41-57-1. Bureau of Vital Statistics established.

A Bureau of Vital Statistics shall be established by the State Board of Health, which shall provide an adequate system for the registration of births and deaths and preservation of vital statistics on forms prescribed by said Board of Health, and which shall provide adequate methods for enforcing the laws and orders of said Board of Health relating to health matters of the state.

* The responsibility and authority to register vital events rest with the State Board of Health.

101.02 Rulemaking Authority

§ 41-3-17. Power to make and publish rules and regulations.

The State Board of Health is authorized to make and publish all reasonable rules and regulations necessary to enable it to discharge its duties and powers and to carry out the purposes and objectives of its creation.

* The State Board of Health has the authority to make reasonable rules and regulations for achieving these aims.

101.03 The Registration System

§ 41-57-7. Board of Health to formulate a system for gathering statistics.

The State Board of Health shall formulate and promulgate rules and regulations for the proper reporting and registration of morbidity and vital statistics, prescribing the method and form of making such registration.

Rule 2—Forms, certificates and reports

All forms, certificates and reports used in the system of vital statistics are the property of the State Board of Health and shall be surrendered to the State Registrar of Vital Statistics upon demand. The forms prescribed and distributed by the State Registrar for reporting vital events shall be used only for official purposes. No forms shall be used in the reporting of vital events or making copies thereof except those furnished or approved by the State Registrar.

* The State Board of Health is empowered to develop a system for the registration and reporting of vital events. It may prescribe reporting forms and require any reports to be made on them.

101.04 State Registrar

§ 41-57-3. State Registrar of Vital Records; safeguarding of records.

The Secretary of the State Board of Health shall appoint the State Registrar of Vital Records in accordance with classification standards of education and experience. It shall be his duty to carry into effect the rules, regulations and orders of the State Board of Health that are provided for the Office of Vital Records Registration. The said Board shall provide for such clerical and other assistance as may be necessary, and may fix the compensation of persons thus employed within the amount appropriated for the health work by the Legislature. The said Board shall provide suitable apartments, properly equipped with fireproof vaults and filing cases, for the permanent and safe preservation of all official records made and returned to the Office of Vital Records Registration.

Rule 3—Authority of the State Registrar

(a) The State Registrar under the direction of the State Board of Health shall execute and enforce the provisions of the laws and the rules and regulations and supervise registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all local registrars and their deputies shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of the laws and regulations to the prosecuting attorney of the proper county, with a statement of facts and circumstances.

(b) The State Registrar shall have the authority to cross-reference birth and death certificates on file for the same individual by stamping on the face information necessary to show relation of the two certificates.

(c) Upon demand of the State Registrar in person, by mail, or through the local registrar, all physicians, coroners, midwives, administrators in institutions, informants, nurse midwives, or funeral directors, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any live birth, death, fetal death, adoption, marriage, divorce, annulment or induced termination of pregnancy.

101.05 Registration Districts

§ 41-57-5. State may be divided into registration districts.

The State Board of Health may divide the state into registration districts to provide vital statistics, defining and designating the boundaries thereof and appointing local registrars in each district.

Rule 4—Registration Districts

The state is hereby divided into registration districts as follows: each public health district shall constitute a registration district.

101.06 Local Registrars of Births and Deaths

Rule 5—Appointment of local registrars

The State Registrar shall appoint a district field representative with the concurrence of the District Health Officer. Fees paid to a district field representative shall be paid into the State Department of Health Vital Records-Other Fees account and shall not be part of his or her salary.

Rule 6—Authority of local registrar

District field representatives shall enforce in their districts the provisions of the laws and regulations under the supervision of the State Registrar. They shall make an immediate report to the State Registrar of any violations coming to their notice by observation or upon complaint of any person, or otherwise.

Rule 7—Removal of registrars

Any district field representative who fails or neglects to efficiently discharge the duties of his or her office in accordance with laws, regulations and instructions providing for the registration of certificates and reports, shall be forthwith removed from the office by the State Registrar, in addition to other penalties that may be imposed under Section 41-57-27 of the Mississippi Code of 1972, Annotated.

101.07 Registrar's Fees

§ 41-57-11. Payment for birth and death certificates.

(1) Each local registrar shall be paid the sum of One Dollar (\$1.00) for each birth and each death certificate properly made out, and in the manner and on the form required by the State Board of Health. Such sum shall be paid by the board of supervisors of the county in which the births and deaths occurred, upon certification made monthly to the board of supervisors by the state registrar.

However, any local registrar shall receive only Fifty Cents (50¢) for each birth and each death certificate sent in to the Bureau of Vital Statistics improperly

completed or sent in at a later time than that fixed by the regulations of the State Board of Health.

(2) In addition to any fees established and collected by the State Board of Health for the issuance of original and copies of birth certificates, there shall be charged a fee of One Dollar (\$1.00) for each original and each copy of a birth certificate. This additional fee shall be deposited into the Mississippi Children's Trust Fund created by Section 3 of this act and shall be used only as set forth in Sections 1 through 6 of this act. This additional fee shall not be added to birth certificates furnished free as provided in Sections 35-3-9 and 41-57-25.

Rule 8—Certification of registrars fees

Registrars fees shall be certified on the basis of receipt of completed certificates for registration. Certifications for a particular month shall be considered to be late if they are sent to the State Registrar after Wednesday following the second Monday of the succeeding month.

* Local registrar payments are to be made to the State Registrar into a fund established for the payment of the salaries of the district field representatives as indicated in Rule 5.

101.08 Local Registrars of Marriage

§ 41-57-48. Statistical record of marriage; completion; filing; recording fee.

(1) For each marriage performed in this state, a record entitled Statistical Record of Marriage shall be filed with the Office of Vital Records Registration of the State Board of Health by the circuit clerk who issued the marriage license and shall be registered if it has been completed and filed in accordance with this section.

(2) The circuit clerk who issues the marriage license shall complete the statistical record (except for the section relating to the ceremony) on a form prescribed and furnished by the State Board of Health and shall sign it. The record shall be prepared on the basis of information obtained from the parties to be married, and both the bride and the groom shall sign the record certifying that the information about themselves is correct.

(3) The person who performs the marriage ceremony shall complete and sign the section relating to the ceremony and shall return the record to the circuit clerk who issued the license within five (5) days after the ceremony.

(4) The circuit clerk, on or before the tenth day of each calendar month, shall forward to the State Board of Health all completed records returned to him during the preceding month.

(5) The circuit clerk shall receive a recording fee of One Dollar (\$1.00) for each marriage record prepared and forwarded by him to the State Board of Health. This fee shall be collected from the applicants for the license together with, and in addition to, the fee for the license and shall be deposited in the county treasury. The recording fees shall be paid to the circuit clerk out of the county treasury once each six (6) months on order of the Board of Supervisors, upon certification by the Office of Vital Records Registration of the number of marriage records filed.

§ 41-57-57. Circuit clerks to compile data on marriages.

In order to secure records of marriages and births in the several counties in this state from the earliest records down to the present time, the State Board of Health is hereby authorized and empowered to make contract with the circuit clerks or other of this state to compile for the Bureau of Vital Statistics complete lists of marriages in the various counties from the earliest records down to the present time. In order to complete these records by securing records of said marriages in all said counties, the State Board of Health is hereby authorized and empowered to deposit all moneys received as fees for certified copies of births, deaths and marriages in the state treasury in a separate account to be used for the completion of the vital statistics on marriages in the various counties, and for clerical expenses and other expenses necessary for completion and issuance of birth records. Said fund shall be paid out for said purposes only on voucher issued for these purposes by the State Board of Health. When said statistics of past marriages in the several counties shall have been completed and paid for, then all of said funds that may remain on hand and all other such funds collected for certified copies of birth, death and marriage records thereafter may be used for the completion of birth records.

§ 41-57-59. Penalty.

Any person or persons who shall violate any of the provisions of sections 41-57-41 through 41-57-57, or any rule, regulation or order of the State Board of Health relative to the making of said reports, as to reporting, recording or filing the information for the Bureau of Vital Statistics of marriages, or who shall fail, neglect or refuse to perform any of the duties imposed by said order, rules or regulations, or shall furnish false information for the purpose of making incorrect records for said Bureau, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or shall suffer both such fine and imprisonment, at the discretion of said court.

Rule 9—Local registrars of marriage

For the purpose of recording marriages, circuit clerks shall act as local registrars.

101.09 Local Registrars of Divorce

§ 93-5-33. Statistical requirements.

All bills for divorce shall specify the race of the parties to the suit, when married, and the number and names of the living minor children born of the marriage. It shall be the duty of each chancery clerk in the state to make a report of each divorce granted in his county; and on forms furnished by the State Board of Health to show the following information as correctly as he is able to make such report: names of parties; their race; when married; state of residence; children under eighteen (18) in this family as of date couple last resided in same household; custody of children; and the page and book in which decree is recorded. He shall certify to the said report and affix thereunto his seal, and he shall forward it to the State Board of Health within ten (10) days after adjournment of each term of court in his county. For his services in preparing and forwarding said records to the State Board of Health he shall receive the sum of Thirty-Five Cents (35¢) for each completed record, to be taxed to costs in each divorce case as other fees are taxed.

Rule 10—Local registrars of divorce

For the purpose of recording divorces, chancery clerks shall act as local registrars.

101.10 Legal Standing of Certificates of Registrar

§ 41-57-9. Certificates of Registrar to be prima facie evidence.

Any copy of the records of birth, sickness or death, when properly certified to by the State Registrar of Vital Statistics, to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. A facsimile signature of the Registrar shall be sufficient for certification when the certificate shall have impressed thereon the seal of the Mississippi Department of Public Health.

* Certificates of the State Registrar are the primary validation of any facts contained therein. Any questions concerning the validity of certified copies should be addressed to the State Registrar.

Rule 11—Acceptability of certificates for filing

(a) The State Registrar, or his designated representative, shall examine each certificate or report received, and if any are incomplete or unsatisfactory he may return certificates or reports or require such further information to be furnished as may be necessary to make the record or report complete and satisfactory.

(b) All certificates and reports relating to vital events must either be prepared on a typewriter with a black ribbon or be printed legibly in black, unfading ink. All signatures required shall be entered in black, unfading ink, and no certificate or report shall be held to be complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

(c) The State Registrar shall require new and properly prepared certificates and reports for those which are unsatisfactory because they:

- (1) Are not prepared in black ink, or that are torn or defaced.
- (2) Contain improper alterations or erasures.
- (3) Do not supply all items of information called for thereon or satisfactorily account for their omission.
- (4) Do not contain handwritten signatures as required.
- (5) Are marked copy or duplicate.
- (6) Are carbon copies.
- (7) Are prepared on improper forms.
- (8) Contain improper or inconsistent data.
- (9) Do not have the certifier's name typed or printed legibly.
- (10) Are not prepared in conformity with regulations or instructions issued by the State Registrar.

101.11 Penalties

§ 41-57-27. Penalty.

Any person or persons who shall violate any rule, regulation or order of the State Board of Health relative to recording, reporting or filing information for the Bureau of Vital Statistics, or who shall willfully neglect or refuse to perform any duties imposed upon them by said orders, or who shall furnish false information for the purpose of making incorrect records for said bureau, or who shall willfully furnish false information to said bureau for the purpose of establishing a false identity, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding six (6) months, or suffer both such fine and imprisonment, in the discretion of the court.

101.12 Venue

§ 11-11-15. Actions against State Board.

The venue of actions against the Mississippi State Board of Health wherein said Board is a defendant, or the State Board of Medical Licensure wherein said Board is defendant, shall be in Hinds county.

102 Certified Copies of Birth, Death and Marriage

102.01 Access to Records

§ 41-57-2. Certain persons not entitled to access to records.

Records in the possession of the Mississippi Department of Health, Bureau of Vital Statistics, which would be of no legitimate and tangible interest to a person making a request for access to such records, shall be exempt from the provisions of the Mississippi Public Records Act of 1983; provided, however, nothing in this section shall be construed to prohibit any person with a legitimate and tangible interest in such records from having access thereto.

Rule 12—Disclosure of records

The State Registrar shall not permit inspection of, or disclose information contained in any records relating to vital events, or copy or issue a copy of all or part of any such record unless he is satisfied that the applicant has a direct and tangible interest in such record.

- (a) The registrant, a member of his immediate family, his legal guardian, or their respective legal representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.
- (b) The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.
- (c) The State Registrar may disclose information from any records relating to vital events only upon written request from an applicant with a direct and tangible interest.
- (d) Nothing in this rule shall be construed to permit disclosure of information contained in the Information for Medical and Health Use Only section of the birth certificate, unless specifically authorized by the State Registrar for statistical research or if authorized by a court of competent jurisdiction within this state.

* Vital Records (births, deaths, marriages and divorces) are not considered public access documents. Certified copies of records except divorces in the custody of the State Department of Health may be obtained by persons having a direct and tangible interest in such records. In order to protect the confidentiality of documents, no public access is permitted to the storage vault or to any indexes and all requests must be in writing. Suitable forms are provided for initiating any such requests.

102.02 Fees

Rule 13—Fees to be charged

(a) The State Registrar may, in his discretion and upon written request, furnish: certified copies of live birth certificates within one year of the event, or an abstract of information contained on live birth certificates, for a fee of \$7.00; certified copies of death certificates, and copies of statistical records of marriage for a fee of \$10.00. Certified copies of any other live birth certificates may be issued for a fee of \$12.00. Any additional copies ordered at the same time of: death certificates or statistical records of marriages shall be made for a fee of \$2.00; of birth certificates for a fee of \$3.00; for each copy so ordered. For any search of the files and records when no certified copy is made, the State Registrar shall be entitled to a fee of \$6.00. The State Registrar shall determine the fee for statistical or research services on the basis of the costs of providing such services, and shall determine the manner in which such costs must be paid.

(b) When the registrant, or the parents or legal guardian of a child under 13 years of age, requests a certified copy of a birth certificate and pays the required fee, and such record is not on file, said individual shall be so notified by letter, and be informed of the steps to take to file a delayed certificate of birth.

(c) Certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the Information for Medical and Health Use Only section of the birth certificate shall not be included.

(d) When a certified copy is issued, each copy shall be signed and certified as a true copy by the State Registrar in whose custody the record is entrusted, and shall include the date issued, the registrars signature or an authorized facsimile thereof, and the seal of the Mississippi State Board of Health.

(e) When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, he shall have authority to

withhold the issuance of a certified copy or to amend said certificate to conform with registration procedures of the State Board of Health.

102.03 Free Copies

§ 41-57-25. Birth certificates furnished free to armed forces volunteer.

Any person who is volunteering for one of the armed forces of the United States is entitled to a certified copy of his birth certificate from the State Board of Health immediately upon application and at no expense to the applicant or his recruiting officer.

§ 35-3-9. Furnishing of free copies of vital statistics.

When requested by the Veterans Administration, State Veterans Affairs Board, any holder of a power of attorney from a veteran or his claimant, or any recognized Veteran Service Officer, the Bureau of Vital Statistics of the state of Mississippi shall furnish to such organizations or officers, without charge, copies of birth and death certificates when the same are needed to establish claims for dependency, disability or survivors benefits for any veterans who are legal residents of the state of Mississippi, or their claimants.

* Certain persons are authorized to receive free copies of records:

(a) Volunteers in the armed services will be provided with certification of birth upon the personal representation of the individuals recruiting officer.

(b) Veterans who reside in Mississippi and are claiming benefits will be provided with certified copies upon written application by the resident Veterans Service Officer.

103 Registration of Live Births

103.01 Responsibility for Filing of Birth Certificates

* The responsibility for filing birth certificates is determined by the circumstances of the birth. The certificate of birth must be filed within five days.

103.02 Registration of Births

Rule 14—Registration of births

A certificate of live birth for each birth which occurs in this state shall be filed with the Office of Vital Records Registration of the State Department of Health within five days after such birth and shall be registered if it has been completed and filed in accordance with this rule. Births registered within one year after the date of occurrence shall be registered on the standard certificate of birth form.

Rule 15—Birth on a moving conveyance

When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state, and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or airspace, or in a foreign country, and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the certificate shall show the actual place of birth insofar as can be determined.

Rule 16—Birth in hospital or in route to hospital

When a birth occurs in a hospital or in route thereto, the person in charge of the hospital or his designated representative shall obtain the personal data and prepare the certificate. The completed certificate shall be presented to the mother for her approval and signature before she leaves the hospital. The physician or nurse-midwife in attendance shall provide the medical information required by the certificate and certify to the facts of birth within 72 hours after the birth. If that person does not certify to the facts of birth within the required 72 hours, the certificate may be signed by a medical staff member or the person in charge of the hospital. The completed certificate shall be filed with the Office of Vital Records Registration of the State Department of Health within five days after the date of birth.

Rule 17—Birth at place other than a hospital

When a birth occurs outside a hospital, the certificate shall be prepared and filed by one of the following, in the indicated order of priority:

- (a) The physician in attendance at or immediately after the birth, or in the absence of such a person,
- (b) Any other person in attendance at or immediately after the birth, or in the absence of such a person,
- (c) The father or the mother, or in the absence of the father and the inability of the mother,
- (d) The person in charge of the premises where the birth occurred.

103.03 Multiple Births

Rule 18—Multiple births

For each member of a set of multiple births, a separate birth certificate, or spontaneous fetal death report shall be completed.

* The suggested method of preventing confusion is to initially identify each member of the multiple births by its order of birth in the set.

103.04 Paternity and Name of Child

§ 41-57-23. Proceedings to correct birth certificate containing major deficiencies.

(1) Any petition, bill of complaint, or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of the child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded, or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint, or other proceeding shall be forwarded to the State Board of Health. Process may be served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this section shall not apply to adoption proceedings. Upon receipt of a certified copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.

(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name of the father shall be added to the birth certificate if within two (2) years of the date of birth a notarized affidavit by both parents acknowledging paternity is received on the form prescribed. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under Section 41-57-23(1) to add or change the name of the father.

Rule 19—Paternity

(a) Mother married. If the mother was married at the time of either conception or birth, or at any time between conception and birth, the name of the husband shall be entered on the certificate of birth as the father of the child.

(b) Mother not married; no acknowledged father. If the mother was not married at the time of either conception or birth, or at any time between conception and birth, the name of the father shall not be entered on the certificate of birth.

(c) Mother not married; acknowledged father. If the mother was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges such paternity, the name of the father shall be entered on the certificate. Such acknowledgement of paternity shall be made by affidavit of both mother and father on the form prescribed by the State Department of Health and filed within two (2) years of birth.

(d) Court-determined paternity. Paternity may be determined by a court of competent jurisdiction upon the petition of the mother, the child, or any public authority chargeable by law with the support of the child. The name of the father as determined by said court shall be entered on the birth upon receipt of a certified copy of the court judgment.

Rule 19—Name of child

(a) Mother married. If the mother was married at the time of conception or birth, or at any time between conception and birth, the surname of the child shall be that of the husband except that an affidavit filed at birth by both listed mother and father may alter this rule.

(b) Mother not married; no acknowledged father. If the mother was not married at the time of conception or birth, or at any time between conception and birth, the surname of the child shall be that of the legal surname of the mother, except that an affidavit filed at birth by the listed mother may alter this rule.

(c) Mother not married; acknowledged father. If the mother was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges such paternity, the surname of the child shall be that of the father except that an affidavit filed at birth by both listed mother and father may alter this rule.

(d) Court-determined paternity. In the event of court-determined paternity, the surname of the child shall be that of the father, unless the judgment specifies otherwise.

* Traditionally a child assumes the surname of his or her father as listed on the birth certificate or of the mother if no father is listed. The aforementioned rule details the conditions under which the father's name may be entered on the certificate, and the specification of the child's name under each condition.

103.05 Infants of Unknown Parentage

Rule 20—Foundling registration

Whoever assumes custody of a live born infant of unknown parentage shall file a certificate of live birth within five days and such certificate shall contain the following:

- (a) Have "Foundling" plainly marked in the top margin of the certificate.
- (b) The required facts as determined by approximation.
- (c) Parentage data shall be left blank.
- (d) The certification of the attendant shall be amended to show the signature of the custodian and the custodians title, if any.
- (e) The place where the child was found shall be entered as the place of birth.

103.06 Hospital Reports

Rule 21—Institution reports

On the first day of each month, each institution which accepts patients for delivery shall make a report to the Office of Vital Records Registration, on forms prescribed and furnished by the State Department of Health, giving a complete list of births occurring in or in route to the institution during the preceding month. For those births which occurred in route to the institution, a notation shall be made on the report. If there were no births at the institution during the month, a report shall be submitted showing that there were none.

104 Delayed Registration Of Birth

* For those persons born in the state of Mississippi whose birth has not been registered with the Office of Vital Records Registration of the State Department of Health, there are procedures to accomplish a delayed registration of birth. A delayed birth certificate form must be used if the birth is not registered within one year of the date of birth. Delayed registration must be accomplished through the Office of the State Registrar (either in person or by mail).

104.01 When Birth Registration Is Delayed

Rule 22—Delayed certificate of birth

All births registered one year or more after the date of occurrence shall be registered on a delayed certificate of birth form prescribed by the State Registrar.

Rule 23—Delayed registration when under thirteen years of age

(a) For a child under 13 years of age, the delayed certificate of birth shall be signed and sworn to before a notary public by two individuals competent to sign and swear to the accuracy of the facts stated therein. These individuals shall be selected from the following in order of priority:

- (1) The parents of the applicant, or
- (2) The legal guardian of the applicant, or
- (3) The next of kin of the applicant, or
- (4) Any adult having personal knowledge of the facts of birth.

(b) If the child is legitimate, a copy of the marriage license of the parents shall be furnished to the State Registrar before the delayed certificate of birth may be filed.

(c) The applicant must show proof that a certificate of birth for the child is not on file or must pay the required fee of \$6.00 for a search.

(d) Upon submission of the filing fee of \$15.00 and the signed delayed certificate form, the State Registrar shall register the birth and provide the applicant with one certified copy of the certificate.

Rule 24—Delayed registration when thirteen years of age or over

(a) For an individual 13 years of age or over, the delayed certificate of birth shall be signed and sworn to before a notary public by the person whose birth is to be registered, and one other individual, selected in the following order of priority, who is competent to sign and swear to the accuracy of the facts stated therein:

- (1) One of the parents of the applicant, or
- (2) The legal guardian of the applicant, or
- (3) The next of kin of the applicant, or
- (4) Any adult having personal knowledge of the facts of birth.

(b) The applicant must either show proof that a birth certificate is not on file or pay a \$6.00 fee for a search.

(c) In addition, the applicant shall furnish the State Registrar at least two pieces of documentary evidence which corroborate the facts set forth on the delayed certificate. These documents must establish:

- (1) The full name of the applicant at the time of birth;

- (2) The date of birth and place of birth;
- (3) The full maiden name of the mother;
- (4) The full name of the father; except as otherwise provided in Rule 19.

(d) The State Registrar shall examine the sworn statement and the documentary evidence and shall at his discretion determine the acceptability of such evidence in establishing the facts of birth. If the State Registrar rejects the evidence offered as unsatisfactory, he shall give written notification to the applicant of the rejection, stating the reasons therefor.

(e) If the State Registrar accepts the evidence offered, upon payment by the applicant of a fifteen dollar (\$15.00) filing fee, the State Registrar, or his designated representative, shall abstract on the delayed certificate of birth, a description of each document submitted to support the facts shown on the delayed birth certificate, and the documents shall include:

- (1) The name and kind of document;
- (2) The date of the original filing of the document being abstracted;
- (3) The information concerning the applicant as stated in the document.

(f) The State Registrar, or his designated representative, shall, when the preceding provisions of this rule have been complied with, by his signature, register the birth and provide the applicant with one certified copy of the delayed birth certificate.

Rule 25—Closure of delayed birth files

(a) Applications for delayed certificates which have not been completed within one year from date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall advise the applicant of his decision and all documents submitted in support of such registration shall be returned to the applicant. No refund of fees shall be made.

(b) An applicant wishing to reopen a case shall:

- (1) Submit proof of original search and filing and pay a fee of \$15.00;
or
- (2) Submit request for a search and pay a search fee of \$6.00 and a filing fee of \$15.00.

104.02 Insufficient Documentation

§ 41-57-19. Proceedings to adjudicate true date of birth of a person whose birth was not registered.

Any person who was born in the state of Mississippi and whose birth has not been registered and who is unable to secure the proof now required by the registrar of births to register the same, may file a petition under oath in the chancery court of the county of the residence of the petitioner, or in any chancery court district of the state if the petitioner be a non-resident, setting out the true date of the birth of the petitioner and other facts necessary. The clerk shall issue a summons for the State Board of Health, which summons may be served on the Executive Secretary, the Registrar of Vital Statistics or a duly qualified county registrar, thirty days prior to the time of the hearing to appear and contest the same. Alternatively process can be waived as provided by section 13-3-71. The said petition may be heard by the Chancellor in term time or in vacation, and the same shall not be taken as confessed, but proof shall be made of the allegation in the same. When a decree is entered adjudicating the true date of birth of the petitioner, upon a certified copy of the decree being furnished to the Registrar of Vital Statistics showing the true date of the birth of the petitioner, the same shall be registered upon the proper records of the State Board of Health.

Rule 26—when a delayed birth certificate is not filed

When an applicant does not submit the documentation required for delayed registration, or when the State Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate. However, the applicant may file a petition for a delayed certificate of birth under the provisions of Section 41-57-19 of the Mississippi Code of 1972, Annotated

* There are cases where an applicant cannot provide sufficient documentation to support his application. In these cases, the applicant has recourse to the chancery courts of Mississippi.

105 Adoption

* The laws of the state of Mississippi provide for the adoption of and for the issuance of new birth certificates to individuals.

§ 93-17-21. revised birth certificate.

(1) A certified copy of the final decree shall be furnished to the Bureau of Vital Statistics, together with a certificate signed by the clerk giving the true or original name and place and date of birth of the child. The said Bureau shall prepare a revised birth certificate which shall contain the original date of birth,

with the place of birth being shown as the residence of the adoptive parents at the time the child was born, but with the names of the adopting parents and the new name of the child. In all other particulars, the certificate shall show the true facts of birth. The fact that a revised birth certificate is issued shall be indicated only by code numbers or some letter inconspicuously placed on the face of the certificate. The word revised shall not appear thereon. However, in the event an unmarried adult shall be the adopting parent, then such birth certificate may show thereon, upon order of the Chancellor as set forth in the decree of adoption, that same is a revised birth certificate, giving the court where said decree was issued and the date of such decree. The original birth certificate shall be removed and placed, with reference made to the decree of adoption, in a safely locked drawer or vault, and the same shall not be public records and shall not be divulged except upon the order of the court rendering the said final decree, or pursuant to Sections 93-17-201 through 93-17-223, and for all purposes the revised certificate shall be and become the birth certificate of the child. However, the Bureau of Vital Statistics of the state of Mississippi shall be required to prepare and register revised certificates only for births which occurred in the state of Mississippi as shown either by the court decree or by the original birth record on file in the Bureau; but if the birth occurred in some other state, then the director of the Bureau of Vital Statistics of the state of Mississippi shall be required to furnish to the attorney or other person representing the adopted child the name and address of the proper official in the state where the child was born, to whom the adoption decree and other information may be referred for appropriate action, and shall furnish to such attorney the certified copy of the decree and the certificate furnished by the clerk.

(2) Provided, however, notwithstanding anything herein to the contrary, either an original or a revised birth certificate may be issued, as hereinafter provided, by the Bureau of Vital Statistics to any child who was born outside the United States or its possessions and adopted either heretofore or hereafter, by an order of a court in this state. Upon presentation of a certified copy of the final decree of adoption containing the required information, the director of the Bureau of Vital Statistics shall be authorized and directed to receive said certified copy of the decree of adoption and prepare there from, and record, a birth certificate which shall disclose the following information: The name of the child (being the adopted name), race, sex, date of birth, place of birth (being the actual town, district and county of said child's birth, except where the child is born in a penal or mental institution where the name of the county shall be sufficient), names, race, ages, places of birth, and occupation of parents (being the adoptive parents) including the maiden name of the adoptive mother. Such certificate shall comport in appearance and indicia with the foregoing requirements for a revised certificate issued to a child born in this state. The director of the Bureau of Vital Statistics shall be authorized and directed to issue certified copies thereof, the same as if the birth certificate were that of a child who had never been adopted.

§ 93-17-205. Centralized adoption records file established; contents; filing of supplemental information; authorization to release birth parent s identity; notification of genetic illness.

- (1) The bureau (of Vital Records of the Mississippi State Department of Health) shall maintain a centralized adoption records file for all adoptions performed in this state after July 1, 1992, which shall include the following information:
 - (a) The medical and social history of the birth parent, including information regarding genetically inheritable diseases or illnesses and any similar information furnished by the birth parents about the adoptee s grandparents, aunts, uncles, brothers and sisters;
 - (b) A report of any medical examination which either birth parent had within one (1) year before the date of the petition for adoption, if available;
 - (c) A report describing the adoptee s prenatal care and medical condition at birth, if available; and
 - (d) The medical and social history of the adoptee, including information regarding genetically inheritable diseases or illnesses, and any other relevant medical, social and genetic information.
- (2) Any birth parent may file with the bureau at any time any relevant supplemental non-identifying information about the adoptee or the adoptee s birth parents, and the bureau shall maintain this information in the centralized adoption records file.
- (3) The bureau shall also maintain as part of the centralized adoption records file the following:
 - (a) The name, date of birth, social security number (both original and revised, where applicable) and birth certificate (both original and revised) of the adoptee;
 - (b) The names, current addresses and social security numbers of the adoptee s birth parents, guardian and legal custodian;
 - (c) Any other available information about the birth parent s identity and location.
- (4) Any birth parent may file with the bureau at any time an affidavit authorizing the bureau to provide the adoptee with his or her original birth certificate and with any other available information about the birth parent s identity and location, or an affidavit expressly prohibiting the bureau from providing the adoptee with any information about such birth parent s identity and location, and prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of §§ 93-17-201 through 93-17-223.

An affidavit filed under this section may be revoked at any time by written notification to the bureau from the birth parent.

(5) Counsel for the adoptive parents in the adoption finalization proceeding shall provide the bureau with the information required in subsection (1) and (3) of this section, and he shall also make such information a part of the adoption records of the court in which the final decree of adoption is rendered. This information shall be provided on forms prepared by the bureau.

(6) (a) If an agency receives a report from a physician stating that a birth parent or another child of the birth parent has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed adoption agency, and the latter agency shall notify the adoptee of the existence of the disease or illness, if he or she is twenty-one (21) years of age or over, or notify the adoptee's guardian, custodian or adoptive parent if the adoptee is under age twenty-one (21).

(b) If an agency receives a report from a physician that an adoptee has acquired or may have a genetically transferable disease or illness, the agency shall notify the bureau and the appropriate licensed agency, and the latter agency shall notify the adoptee's birth parent of the existence of the disease or illness.

§ 93-17-207 Release of non-identifying information; persons eligible to receive fees

(1) The bureau or the agency shall release the non-identifying information maintained as provided in Section 93-17-205 for a reasonable fee, including the actual cost of reproduction, to any of the following persons upon request made with sufficient proof of identity:

(a) An adoptee eighteen (18) years of age or older;

(b) An adoptive parent;

(c) The guardian or legal custodian of an adoptee; or

(d) The offspring or blood sibling of an adoptee if the requester is eighteen (18) years of age or older.

(2) Information released pursuant to subsection (1) of this section shall not include the name and address of the birth parent, the identity of any provider of health care to the adoptee or to the birth parent and any other information which might reasonably lead to the discovery of the identity of either birth parent.

§ 93-17-213. promulgation of rules and regulations; fees.

The bureau shall promulgate rules and regulations necessary to carry out the provisions of §§ 93-17-201 through 93-17-223 and the bureau may charge reasonable fees to implement §§ 93-17-201 through 93-17-233.

105.01 Adoption of Mississippi Born Children

Rule 27—Adoption of Mississippi born children

- (a) A new certificate of birth, for a child born in Mississippi and adopted in this or any other state, shall be prepared by the State Registrar and registered in accordance with Section 93-17-21 of the Mississippi Code of 1972, Annotated. The State Registrar shall honor orders of courts of other states having appropriate jurisdiction over Mississippi born persons in matters of adoption.
- (b) The following shall be furnished to the State Registrar immediately after adoption:
- (1) Certified copy of final decree of adoption.
 - (2) Report of Adoption, a form prescribed and furnished by the State Registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, identify the order of adoption and be certified by the clerk of the court.
 - (3) A report of the medical and social history of the birth parents, and any similar information furnished by the birth parents about the adoptee's grandparents, aunts, uncles, brothers and sisters.
 - (4) The names, current addresses and social security numbers of the adoptee's birth parents, guardian and legal custodian and any other available information about the birth parent's identity and location.
 - (5) The required filing fee of \$50.00.
- (c) Upon receipt of these documents, the State Registrar or his designated representative, shall by his signature, register the birth and provide the adoptive parents with one certified copy of the new birth certificate.
- (d) Disclosure of non-identifying information shall be made available under the following conditions:
- (1) The person making the request has sufficient proof of identity and is an adoptee eighteen (18) years of age or older; an adoptive parent; the guardian or legal custodian of an adoptee; or the offspring or blood sibling of an adoptee if the requester is eighteen (18) years of age or older.
 - (2) Payment of the required fee of \$50.00.

(e) Disclosure of identifying information shall be made available under the following conditions:

(1) An affidavit is not on file expressly prohibiting the release of any information about such birth parent's identity and location, and prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of the Mississippi Adoption Confidentiality Act or a notice of contact with the birth parent for that adoptee is not on file.

(2) A licensed adoption agency has requested the information while acting on behalf of any person specified in (d) (1) who requests non-identifying medical, social or genetic background information and the information is not on file and an affidavit prohibiting a search for the birth parent has not been filed or a notice of contact with the birth parent for that adoptee is not on file. In this case, only non-identifying information may be furnished by the licensed adoption agency to the person so identified in (d) (1).

(3) A licensed adoption agency providing post-adoption services has requested the information while acting on behalf of any person twenty-one (21) years of age or over who has been adopted in this state, providing however, that the birth parent has not executed an affidavit prohibiting the release of such information or that a notice is not on file that such birth parent has been contacted once and has refused to authorize the release of confidential information.

(4) Payment of the required fee of \$25.00.

105.02 Adoption of Foreign Born Children

Rule 28—Adoption of foreign born children

The birth of any child born in a foreign country and adopted in the state of Mississippi by a person or a couple, one of whom is or was at the time of adoption a bonafide resident of this state, may be registered in the manner described in Rule 27, with the exception that the place of birth shall be shown as the actual town, district and county of said child's birth.

* The code provides for the issuance of a Mississippi birth certificate upon the adoption of, by Mississippi residents, foreign-born children. See the aforementioned section 93-17-21, Mississippi Code of 1972, Annotated.

105.03 Adoption of Persons Born in Another State

* The State Board of Health cannot act on a birth certificate of another state, but any person adopting a child born in another state will be referred to the appropriate authority in that state as provided in Section 93-17-21, Mississippi Code of 1972, Annotated.

105.04 Adoption of Children with no Birth Certificate

* The State Registrar will prepare a birth certificate for an adopted individual who has no birth certificate on file or whose place of birth is unknown, upon receipt of a court order as provided for in the aforementioned Section 93-17-21, Mississippi Code of 1972, Annotated.

106 Amendments to Birth Certificate

* Mississippi statutes authorize alteration of birth certificates only when the original birth facts are incorrectly recorded. An omission in this context is considered to be an error.

Rule 29—Amendment of obvious errors

Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions on birth certificates may be made by the State Registrar within the first year after the date of birth, either upon his own observation or query, or upon request of a person with a direct and tangible interest in the certificate. When such additions or minor amendments are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change, shall be made on the certificate in such a way so as not to become a part of any certification issued. The certificate is not to be marked Amended.

Rule 30—More than one amendment to an item

Once an amendment of an item is made on a birth certificate; that item shall not be amended again unless a court order is received from a court of competent jurisdiction within the state of Mississippi.

Rule 31—Methods of amending certificates

(a) Certificates shall be amended by eradication of the item to be amended and insertion of correct data. Original information contained in the certificate shall be preserved for reference and placed on the certificate in such a way so as not to become part of any certification. When such amendments are made, a notation as to the source, date of amendment and initials of the authorized agent shall be included on the certificate.

(b) Where the item was left blank on the existing certificate, amendments shall be made by completing the items, with a notation as to source, date of amendment and initials of the authorized agent placed on the certificate in such a way so as not to become part of any certification.

(c) Excepting only adoptions, the change authority shall be legible on any certified copy issued. The certificate shall contain an entry in the margin amended by authority of Section...of the Mississippi Code of 1972, Annotated.

Where the change was based upon a rule, the Mississippi State Board of Health authority to make rules and regulations, Section 41-3-17 will be referenced.

106.01 Amendment by Affidavit

§ 41-57-21. proceedings to correct incomplete birth certificate or birth certificate having incorrect first name, middle name or sex.

Where there has been a bonafide effort to register a birth and the certificate thereof on file with the Office of Vital Records does not divulge all of the information required by said certificate, or such certificate contains the incorrect first name, middle name, or sex, then the State Registrar of Vital Records may, in his discretion, correct such certificate upon affidavit of at least two (2) reputable persons having personal knowledge of the facts in relation thereto. All other alterations shall be made as provided in Section 41-57-23. Anyone giving false information in such affidavit shall be subject to the penalties of perjury.

Rule 32—Minor errors

(a) Minor errors in first name, middle name(s) or sex occurring at birth, shall be corrected upon presentation of the affidavits of two (2) reputable persons having personal knowledge of the facts (in the order of priority specified in Rule 23(a)); and, after the first seven years of life, the submission of at least one piece of documentary evidence supporting the item to be corrected.

(b) The affidavit of the natural parents of an illegitimate child, submitted with proof of marriage between the parties, shall result in the addition of the father's name, race, age at time of birth, and state of birth to the child's birth certificate, and the change of the child's surname to agree with that of the father, provided that no father is listed on the certificate on file with the State Department of Health. If another man is named the father on the birth certificate, this name may only be changed pursuant to an order from a chancery court, or the Chancellor in vacation of the county of residence of the petitioner, or any chancery district of the state if the petitioner be a nonresident.

(c) Notwithstanding any of the above, the State Registrar may, in his discretion, require or not require documentation in support of the correction to be made or require a court order from a Mississippi chancery court.

* Acknowledgments of paternity by the natural father may be done by affidavit during the first year of birth provided no father is listed on the birth certificate of the child. If a father is listed or the mother was married at conception or birth, or any time between conception and birth, a court order shall be required.

106.02 Amendments by Court Order

§ 41-57-23. Proceedings to correct birth certificate containing major deficiencies.

(1) Any petition, bill of complaint, or other proceeding filed in the chancery court to: (a) change the date of birth by two (2) or more days, (b) change the surname of the child, (c) change the surname of either or both parents, (d) change the birthplace of the child because of an error or omission of such information as originally recorded, or (e) make any changes or additions to a birth certificate resulting from a legitimation, filiation or any changes not specifically authorized elsewhere by statute, shall be filed in the county of residence of the petitioner or filed in any chancery court district of the state if the petitioner be a nonresident petitioner. In all such proceedings, the State Board of Health shall be made a respondent therein, and a certified copy of the petition, bill of complaint, or other proceeding shall be forwarded to the State Board of Health. Process may be served upon the State Registrar of Vital Records. The State Board of Health shall file an answer to all such proceedings within the time as provided by general law. The provisions of this section shall not apply to adoption proceedings. Upon receipt of a certified copy of a decree, which authorizes and directs the State Board of Health to alter the certificate, it shall comply with all of the provisions of such decree.

(2) If a child is born to a mother who was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges paternity, the name of the father shall be added to the birth certificate if within two (2) years of the date of birth a notarized affidavit by both parents acknowledging paternity is received on the form prescribed. In the event the mother was married at the time of conception or birth, or at any time between conception and birth, or if a father is already listed on the birth certificate, action must be taken under Section 41-57-23 to add or change the name of the father.

* Proceedings brought under this section must be brought against the State Board of Health. It suggested that any court action be based upon the certificate on file with the State Board of Health. The petition should set out the error to be corrected, and include any documentation or other evidence upon which the claim of an error is based. A certified copy of the subject certificate and any documentary support of the petition should be attached as exhibits. In the absence of any support for a claim, the State Board of Health will base its answer on the prima facie facts on the birth certificate on file.

106.03 Legitimation

§ 93-17-1. proceeding to alter names and legitimate offspring.

(1) The chancery court or the Chancellor in vacation, of the county of the residence of the petitioners shall have jurisdiction upon the petition of

any person to alter the names of such person, to make legitimate any living offspring of the petitioner not born in wedlock, and to decree said offspring to be an heir of the petitioner.

(2) An illegitimate child shall become a legitimate child of the natural father if the natural father marries the natural mother and acknowledges the child.

* Proceedings may be brought under this section when the parents have married subsequent to the birth of their child. The State Board of Health is not a necessary party to actions under this statute; however enactment hereunder does not necessarily entitle a change to a birth certificate.

106.04 Filiation or Paternity

Sections 93-9-1 et seq. Mississippi uniform law on paternity

§ 93-9-9. enforcement.

Paternity may be determined upon the petition of the mother, the child, or any public authority chargeable by law with the support of the child; provided that such an adjudication after the death of the defendant must be made only upon clear and convincing evidence. If paternity has been lawfully determined, or has been acknowledged in writing according to the laws of this state, the liabilities of the father may be enforced in the same or other proceedings by the mother, the child, or any public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support and maintenance, and medical or funeral expenses for the mother or the child. However, proceedings hereunder shall not be instituted after the child has reached the age of eighteen (18) years.

106.05 Name Changes

§ 93-17-1. (1) The chancery court or the Chancellor in vacation, of the county of the residence of the petitioners shall have jurisdiction upon the petition of any person to alter the names of such person, to make legitimate any living offspring of the petitioner not born in wedlock, and to decree said offspring to be an heir of the petitioner.

* It is suggested that individuals wishing to change their names for personal or religious reasons, petition under Section 93-17-1. Any changes to identification documents such as Social Security card and driver license may be made upon presentation of the court order to the appropriate authorities. The State Board of Health is not a necessary party to actions under this statute, however enactment hereunder does not entitle a change to a birth certificate.

Rule 33—amending delayed birth certificates

(a) Amendments to delayed birth certificates filed after the registrant's 13th birthday shall be made only upon the receipt of an order of a court of competent jurisdiction.

(b) Amendments to delayed birth certificates filed before the registrant's 13th birthday shall be made as heretofore provided in Rule 32.

107 Registration of Deaths

* This section details the procedures for the complete and timely registration of deaths in the state.

§ 41-36-3. determination of death.

An individual who has sustained either; (a) irreversible cessation of circulatory and respiratory functions or; (b) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards.

Rule 34—Registration of deaths

A certificate for every death which occurs in this state shall be filed with the Office of Vital Records Registration of the State Department of Health within five days after such death occurs and shall be registered if it has been completed and filed in accordance with this rule. If unknown, the place of death is assumed to be that where the body is found. If the date of death is unknown, it shall be determined by approximation.

Rule 35—Removal of dead body

The hospital, nursing home, funeral director, other institution or individual who first assumes custody of a dead body shall immediately ascertain the identity of the person who will certify the death (See Rule 36). The body shall not be removed until such person has been notified and he has indicated he will certify the cause of death.

107.01 Who Shall Certify

Rule 36—Certification of death

(a) The physician in charge of the decedent's care shall certify to the cause of death if death does not affect the public interest.

(b) The medical examiner shall certify cause in deaths affecting the public interest. A death affecting the public interest as defined by Sections 41-61-51 through 41-61-79 of the Mississippi Code of 1972, Annotated, known as the Mississippi Medical Examiner act of 1986 includes, but is not limited to, any of the following:

- (1) Violent death, including homicidal, suicidal or accidental death.
 - (2) Death caused by thermal, chemical, electrical or radiation injury.
 - (3) Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.
 - (4) Death related to disease thought to be virulent or contagious which may constitute a public hazard.
 - (5) Death that has occurred unexpectedly or from an unexplained cause.
 - (6) Death of a person confined in a prison, jail or correctional institution.
 - (7) Death of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or in pre-diagnosed terminal or bedfast cases, within thirty (30) days preceding death.
 - (8) Death of a person where the body is not claimed by a relative or a friend.
 - (9) Death of a person where the identity of the deceased is unknown.
 - (10) Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.
 - (11) Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.
 - (12) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardio-pulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a pre-diagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.
- (c) Where an attending physician refuses to sign a certificate of death or in case of any death affecting the public interest, the State Medical Examiner or properly qualified designee may sign the death certificate.
- (d) In any case where doubt exists as to who shall certify, the medical examiner shall certify the death.

Rule 37—Death in an institution

(a) When death occurs in a hospital or nursing home and is not a death that affects the public interest (See Rule 36), the person in charge of that institution, or his designated representative, shall initiate the preparation of the death certificate by completing the following items:

- (1) Name of deceased (Item 1)
- (2) Hour and date of death (Item 3)
- (3) Place of death (Items 7a, b, c and, if a hospital, item 7d)

(b) The institution shall obtain the certification of cause of death (See Rule 36) and forward the certificate to the funeral director within 72 hours of death. In the event that the cause of death determination is awaiting laboratory or autopsy results, the certifier shall indicate such in item 25 and inform the State Registrar of his determination of cause of death as soon as possible by completing and submitting the form Statement to Amend Cause of Death.

(c) If the death affects the public interest (See Rule 36) the medical examiner shall complete his portion of the death certificate and forward the certificate to the funeral director within seventy-two (72) hours of assuming jurisdiction over a death. In the event that the cause of death determination is awaiting laboratory or autopsy results, the medical examiner shall indicate such in item 25 and inform the State Registrar of his determination of cause of death as soon as possible by completing and submitting the form Statement to Amend Cause of Death. The medical examiner's portion of the death certificate is:

- (1) Name of deceased (Item 1)
- (2) Hour and date of death (Item 3)
- (3) Place of death (Items 7a, b, c and, if a hospital, item 7d)
- (4) Certifier's signature (Items 24e-g)
- (5) Cause of death (Items 25a-29g)

(d) In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of death.

Rule 38—Death at place other than an institution

When death occurs at place other than an institution and the death does not affect the public interest (See Rule 36), the funeral director or person acting as such who first assumes custody of the body shall initiate preparation of the certificate and obtain the medical certification of death within seventy-two (72) hours of death. If the death affects the public interest (See Rule 36) the medical examiner shall initiate the death certificate and forward it to the funeral director within seventy-two (72) hours of death.

In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of death.

Rule 39—Death on a moving conveyance

When death occurs on a moving conveyance within the United States and the body is first removed from the conveyance in this state, the death shall be registered in the state, and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or airspace, or in a foreign country, and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined. If the death affects the public interest, the medical examiner of the county in which the conveyance stops and death is pronounced shall be notified promptly by any person having knowledge or suspicion of such a death. All other registration procedures as provided in these regulations shall apply.

Rule 40—Presumptive death

When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction within this state, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked Presumptive and shall show on its face the date of registration and shall identify the court and the date of decree.

107.02 Who Shall File a Death Certificate

Rule 41—Filing of death certificate

(a) The funeral director, or person acting as such, who first assumes custody of a dead body, shall review and correct any items completed by an institution or the medical examiner, complete the death certificate, and file it with the Office of Vital Records Registration of the State Department of Health within five days of the date of death.

(b) Each death certificate of a person whose body has been embalmed in this state shall be signed by an embalmer holding a valid Mississippi embalming license, who shall affix his license number beside his signature. When the body has not been embalmed in Mississippi, then the funeral director, or person acting as such, shall so state in item 21(a) on the death certificate.

107.03 Burial-Transit Permit

Rule 42—Burial-transit permit

- (a) A burial-transit permit shall be required when a dead body is transported into or out of the state.
- (b) A burial-transit permit may be issued by the organization that originates the death certificate (yellow copy of the death certificate), or by a licensed medical practitioner or medical examiner, upon request by a funeral director and after examination of the dead body.
- (c) The signed burial-transit permit shall accompany any dead body when it is moved out of state. If the dead body is shipped by common carrier, the burial-transit permit shall be enclosed in a strong envelope and attached to the shipping case.

Rule 43—Transportation of dead bodies

A dead body or fetus shall be buried, cremated or otherwise disposed of (See Rule 44) within 48 hours of death unless the body has been embalmed by a licensed embalmer or unless the body is kept under refrigeration. If the dead body is transported within or out of the state and the destination cannot be reached within 24 hours after death, the body shall be embalmed by a licensed embalmer or kept under refrigeration. Any dead body shipped by common carrier shall be enclosed in an outside shipping case. The outside shipping case may be made of metal, wood or any other suitable material which is approved by the common carrier. The outside case may be omitted in all instances when the body is transported in a hearse or funeral director's conveyance.

107.04 Disposition of Dead Bodies

* Mississippi statutes and regulations do not require the use of vaults, caskets or embalming, except as provided in Rule 43. The State Board of Health does not license or otherwise regulate cemeteries or crematoriums.

Rule 44—Requirements for disposition of dead bodies

- (a) Burial requirements

No person knowing or having reason to know that a death may be under the jurisdiction of the medical examiner shall bury the body without the permission of the medical examiner.

(b) Cremation

No body shall be cremated unless the death certificate has first been completed and filed with the Office of Vital Records Registration of the State Department of Health.

(c) Other disposition of dead bodies

Dead bodies may be donated to medical schools as provided for in Section 41-39-7 of the Mississippi Code of 1972, Annotated.

107.05 Disposition of Unclaimed Dead Bodies

§ 41-39-5. Disposition of unclaimed dead bodies.

Any physician, hospital, funeral director, embalmer, coroner or other person acquiring possession of a dead human body or portion thereof which is not claimed for burial or cremation within forty-eight hours of its acquisition shall give written notice thereof to the Board of Supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, furnishing such identification of the decedent as may be available. The Board of Supervisors shall make reasonable efforts to notify members of the decedent's family or other known interested persons, and, if the dead body or portion thereof shall not be claimed for burial or cremation by any interested person within five days of the aforementioned written notice, the Board of Supervisors shall, as soon as it may think appropriate, authorize and direct the burial or cremation and burial of the residue of such dead body or portion thereof. In its discretion and where otherwise permitted to do so by law, the Board of Supervisors may direct the disposition of the dead body or portion thereof as provided by section 41-39-7. The reasonable expense of such burial or cremation and burial of the residue of a dead body shall be borne by the estate of the decedent or of any person liable at law for the necessities of the decedent during his lifetime or, if they are unable to pay the same, by the county of residence or settlement of the decedent, if known, and, if not known, by the county in which the dead body or portion thereof is located. If the person having possession of such dead human body or portion thereof shall have no available means of preserving the same and shall so notify the Board of Supervisors, or a member thereof, of the county in which the dead body or portion thereof is located, it shall be the duty of the Board of Supervisors to make arrangements for the preservation of the same until burial or cremation and burial of the residue of the dead body as hereinabove provided, and the expense of such preservation shall be borne

as hereinabove provided with respect to the expense of burial or cremation.

107.06 Rule 45—Disinterment of dead bodies

Disinterred remains transported by common carrier shall be enclosed in a sealed container. If disinterred remains are transported by a hearse or funeral director's conveyance, they shall be enclosed in a burial case. No disinterred body offensive to smell shall be transported unless encased in a sealed container.

107.07 Rule 46—Monthly reports of deaths

(a) Funeral homes

On the first day of every month, each person, firm, corporation, burial society or burial association engaged in the business of burying dead bodies shall make a report to the Office of Vital Records Registration on forms prescribed and furnished by the State Department of Health. If there were no funerals during the month, a report shall be filed to this effect.

(b) Hospitals and nursing homes

On the first day of every month, each institution shall make a report of all deaths occurring in or in route to the institution, to the Office of Vital Records Registration on forms prescribed and furnished by the State Department of Health. If there were no deaths during the month, a report shall be filed to this effect.

107.08 Rule 47—Delayed registration of death

(a) Deaths registered after one year of the date of death and within five years of the date of death shall be registered on the standard certificate of death form. The physician, medical examiner, and the funeral director, or person who acted as such, must state in accompanying affidavits that the information on the certificate is based on records kept in their files.

(b) In the absence of the attending physician, medical examiner, and the funeral director or person who acted as such, the certificate may be filed by the next of kin of the deceased and shall be accompanied by:

(1) An affidavit of the person filing the certificate, attesting to the accuracy of the information on the certificate, and

(2) Two documents which identify the deceased and his date and place of death.

(c) In all cases, the State Registrar may require additional documentary evidence to prove the facts of death.

(d) If the State Registrar accepts the evidence offered upon payment of a fifteen dollar (\$15.00) filing fee, the State Registrar, or his designated representative shall register the death and provide the applicant with one certified copy.

107.09 Amendments to Death Certificate

§ Section 41-57-13. Corrections and amendments to death certificates; lists of deaths to be furnished to county registrar and the county election commissioners.

(1) Death certificate errors in the recording of personal information of the deceased may be corrected by affidavit of the informant and the funeral director of the funeral home that disposed of the body. Items in the medical certification or of a medical nature may be amended upon receipt of the specified amendment form from (a) the person originally certifying the information or, if deceased or incapacitated, from the person responsible for the completion of such items, or (b) the State Medical Examiner. All other amendments to a death certificate require adjudication by a chancery court in the county of residence of the complainant or in any chancery court district in the state if the complainant is a nonresident. In all such proceedings, the State Board of Health shall be made defendant.

(2) The local registrar of births and deaths in each county in the state shall, at least monthly, supply the county registrar and each member of the county election commission of each county a list of deaths in said counties of individuals of voting age who have not been previously listed. Such lists shall include the following information for each deceased person: full name (as recorded on the death certificate), Social Security number, date of death, sex, color, age and usual place of residence.

(3) No such payment as is provided for in Section 41-57-11 shall be made by said board of supervisors unless and until said local registrar shall certify that a list of all deaths of individuals of voting age has been filed with the county voting registrar and with each member of the county election commission of the last county of residence of the decedent in this state.

Rule 48—Amendment to death certificate

(a) All items in the medical certification or of a medical nature may be amended only upon receipt of the specified amendment form from (1) the person certifying the information or, if deceased or incapacitated, from that person or persons responsible for the completion of such items or (2) the State Medical Examiner.

(b) Any amendment that is or may be contested by any of the principals i.e. surviving spouse, informant, parents or relatives of the

principals, may, at the discretion of the State Registrar, require adjudication in a Mississippi chancery court.

(c) Other items may be amended on affidavit of the informant and funeral director or person acting as such.

(d) Any item, once amended, shall be further amended only upon receipt of an order from a Mississippi chancery court.

(e) Notwithstanding any of the above, the State Registrar may in his discretion, require or not require documentation in support of the amendment to be made, or require a court order from a Mississippi chancery court.

108 Spontaneous Fetal Deaths

* Spontaneous fetal deaths (stillbirths and miscarriages) are subject to statistical reporting requirements. No vital records are made or kept and therefore no certified copies of these reports can be issued. The reports are destroyed as soon as the statistical analyses have been completed.

Rule 49—Reporting requirements

Each spontaneous fetal death of 20 completed weeks of gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, or a weight of 350 grams or more, which occurs in this state shall be reported within five days after delivery to the State Registrar.

Rule 50—Responsibility for reporting spontaneous fetal deaths

(a) If a dead fetus was delivered in an institution or in route thereto, the person in charge of the institution, or his designated representative, shall prepare and submit the report to the State Registrar.

(b) If an investigation by a coroner or medical examiner is required, the coroner or medical examiner shall prepare and submit the report to the State Registrar.

(c) If a dead fetus was delivered outside an institution and is not subject to the jurisdiction of the coroner or medical examiner, the report shall be prepared and submitted to the State Registrar by one of the following in the indicated order of priority:

(1) The physician in attendance at or immediately after the delivery, or in the absence of such a person.

(2) Any other person in attendance at or immediately after the delivery, or in the absence of such a person,

(3) The father, or mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the delivery occurred.

(d) If the delivery of a dead fetus occurred on a moving conveyance, the place of delivery shall be entered in accordance with the instructions given for live births in Rule 15.

(e) The name of the father and other information about the father shall be entered in accordance with instructions given for live births in Rule 19.

(f) In the case of multiple births, a separate report shall be submitted for each fetus.

Rule 51—Institution reports

On the first day of each month, each institution which accepts patients for delivery shall prepare a list of all spontaneous fetal deaths occurring in that institution during the preceding month. This list shall be on the form prescribed and furnished by the State Department of Health and shall be submitted to the State Registrar. If there were no spontaneous fetal deaths, a report shall be submitted showing that there were none.

109 Induced Terminations

* Induced terminations are subject to statistical reporting requirements. As with spontaneous fetal deaths, no vital records are made or kept and therefore no certified copies of these reports can be issued. The reports are destroyed as soon as the statistical analyses have been completed.

§ 41-75-18. Reports by abortion facility.

Each abortion facility shall report monthly to the State Department of Health such information as may be required by the department in its rules and regulations for each abortion performed by such facility.

Rule 52—reporting requirements

Each induced termination of pregnancy which is performed in this state shall be reported to the State Registrar within five days by the person in charge of the institution in which the induced termination of pregnancy was performed. Patients are to be listed by identification number only and not by name. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report.

Rule 53—Institution reports

On the first day of each month, each facility in which induced terminations of pregnancy are performed shall prepare a list of all induced terminations

performed in that facility during the preceding month. The list shall be on forms prescribed and furnished by the State Department of Health and shall be submitted to the State Registrar. Patients are to be listed by identification number only and not by name. If there were no induced terminations of pregnancy at a facility during the month, a report shall be submitted showing that there were none.

110 Disposition of Dead Fetus

* The State Board of Health does not by regulation require disposition of a dead fetus by any particular method. In the absence of specific instructions from the next of kin, a dead fetus may be disposed of after 48 hours, preferably by burial in a recognized cemetery or by cremation.

§ 41-39-1. Disposition of tissue or external member of the human body and dead fetus.

Any physician removing or otherwise acquiring any tissue of the human body may, in his discretion, after making or causing to be made such scientific examination of the same as he may deem appropriate or as may be required by law, custom or rules and regulations of the hospital or other institution in which the tissue may have been removed or acquired, authorize disposition of the same by incineration, cremation, burial or other sanitary method approved by the State Board of Health, unless he shall have been furnished prior to removal or acquisition of the tissue, or at any time prior to its disposal, a written request that the same be delivered to the patient or someone in his behalf or, if death has occurred, to the person claiming the dead body for burial or cremation. No such tissue shall be delivered, however, except as may be permitted by rules and regulations of the State Board of Health. Any hospital or other institution acquiring possession of any such tissue, and not having written instructions to the contrary from the attending physician, the patient or the person claiming a dead body for burial or cremation, or someone in their behalf, may immediately dispose of the same as hereinabove provided.

However, no external member of the human body may be so disposed of within 48 hours of its removal or acquisition unless consent thereto be obtained in writing from the patient or the person authorizing the medical or surgical treatment of the patient, and no dead fetus shall be so disposed of within the same period of time unless consent thereto be obtained in writing from the mother of the dead fetus or her spouse. For the purposes of this section, an external member of the human body is defined as an arm or one or more joints thereof, a hand, a finger or one or more joints thereof, a leg or one or more joints thereof, a foot, a toe or one or more joints thereof, an ear or the greater part thereof, or the nose or the greater part thereof. For the purposes of this section and the succeeding section, a dead fetus is defined as a product of human conception, exclusive of its placenta or connective tissue, which has suffered death prior to its complete expulsion or extraction from the mother, as

established by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

§ 41-39-3. Regulations for disposition of dead fetus acquired by the hospital or midwife.

The State Board of Health may provide by rules and regulations for the disposition of any dead fetus acquired by any hospital or by any midwife or person acting as a midwife, such disposition to be in a manner consistent with the provisions of Section 41-39-1 except that the waiting period for such disposition may be waived.

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Equal Opportunity in Employment/Services

CERTIFICATION OF REGULATION

This is to certify that the above **PUT REGULATION NAME HERE** was adopted by the Mississippi State Board of Health on Put Date Here to become effective Put Date Here.

Brian W. Amy, MD, MHA, MPH
Secretary and Executive Officer