

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-7-1-.22

Rule Title Who May Obtain Certified Copies of Vital Records

New XXXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer [Signature] Date 8/18/22

REC'D & FILED

AUG 18 2022

LEGISLATIVE SVC AGENCY

**FORM APA2
10/17**

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-7-1-.22, Who May Obtain Certified Copies of Vital Records

INTENDED ACTION: To amend the current rule.

SUBSTANCE OF PROPOSED ACTION: To provide additional requirements and clarification regarding the entitlement of individuals applying for restricted vital records, remove and replace outdated text, correct formatting errors to establish uniformity, and document the requirement for identification from applicants requesting restricted vital records.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on September 15, 2022, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on October 5, 2022. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Nicole H. Rushing, Center for Health Statistics, Alabama Department of Public Health, P.O. Box 5625, Montgomery, Alabama 36103-5625, Telephone Number: (334) 206-2679.



P. Brian Hale, Agency Secretary

420-7-1-.22 Who May Obtain Certified Copies of Vital Records

(1) An applicant requesting a certified copy of a vital record must provide sufficient information to locate the record requested and to establish that it is a record the requestor is entitled to obtain.

(2) The registrant on a birth certificate may obtain certified copies of his or her own record if he or she is at least 14 years of age or is an emancipated minor.

(3) For purposes of obtaining certified copies of vital records, immediate family members are considered to be the following:

(a) Mother as listed on the record;

(b) Father as listed on the record or, if the father is not listed on the record, the written application must state that the requestor has physical custody of the child or pays child support for the child, or documentation must be presented to show that the requestor has been determined to be the father of the registrant;

(c) Adult brother or sister of the registrant;

(d) Adult son or daughter of the registrant; or

(e) Husband or wife of the registrant.

(4) Certified copies of a birth certificate may be obtained for a minor child by a grandparent who states in a written application that he or she has physical custody of the child. Others having physical custody of a minor child may be entitled to obtain certified copies of the birth certificates for that child, but additional documentation may be required.

(5) Certified copies of Acknowledgments of Paternity Affidavits required under Code of Alabama 1975, § 26-17-22, to be filed by the State Registrar are considered to be restricted in the same manner as birth certificates and may only be issued to those entitled to obtain certified copies of birth certificates.

(6) The informant listed on the death certificate may obtain certified copies of that death certificate.

(7) The executor or administrator of the decedent's estate may obtain certified copies of the decedent's death certificate.

(8) A grandchild who demonstrates entitlement may obtain certified copies of the decedent's death certificate.

(89) Representatives of government agencies may obtain certified copies of any vital record that is needed for the official use of their respective agencies. However, the request for the record must be made in writing and the required fee must be paid.

(910) A person entitled to obtain certified copies of a record under Code of Alabama 1975, § 22-9A-21, and these Rules, may provide a written authorization for another individual to obtain the certified copy for him or her.

(1011) The State Registrar may require any applicant for a vital record to provide documentation and/or identification to support that the applicant has a right to the record requested.

(a) Valid identification is required of any applicant requesting a birth certificate less than 125 years from the date of birth.

(b) Valid identification is required of any applicant requesting a death certificate less than 25 years from the date of death.

(c) Valid identification is required of any applicant requesting the amendment or creation of a vital record.

(d) The State Registrar shall determine the forms of identification that are acceptable for vital records requests.

(e) The State Registrar may require additional identification when identification presented by an applicant is inadequate, illegible, or otherwise questionable.

(f) The State Registrar may refuse to issue a vital record to an applicant who is unable to provide adequate identification or who submits fraudulent identification.

Author: Dorothy Harshbarger; Nicole Henderson Rushing

Statutory Authority: Code of Alabama, 1975, §22-9A-2, §22-9A-21, §26-17-22.

History: Repealed and Replaced: Filed June 20, 2007; effective July 25, 2007. Amended: Filed XX-XX-XXXX; effective XX-XX-XXXX.