

AN ACT

ENTITLED, An Act to establish a penalty for certain persons who fail to file a birth certificate or who fail to provide the notice required for the filing of a death certificate.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-25-9.1 be amended to read:

34-25-9.1. If a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

- (1) The physician in attendance at or immediately after the birth, or in the absence of such a person;
- (2) Any other person in attendance at or immediately after the birth, 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 birth occurred.

The department shall promulgate rules, pursuant to chapter 1-26, to establish the evidence necessary to establish the facts of birth.

Any person required to prepare and file a birth certificate pursuant to this section who fails to do so within one year of the birth is guilty of a Class 2 misdemeanor.

Section 2. That § 34-25-21 be amended to read:

34-25-21. If a death occurs without the attendance of a licensed physician, physician assistant, or certified nurse practitioner, the person in charge of the body shall notify the county coroner and sheriff of the death. Upon notification, the county coroner shall complete the medical certificate from the statement of relatives or other persons having adequate knowledge of the facts. The coroner, or deputy coroner in the absence of the coroner, shall complete, sign, and file the medical certificate with the department within five days of the date of death, unless an autopsy or investigation is

pending, in which case the pending autopsy or investigation shall be noted on the medical certificate. In the absence of a coroner or deputy coroner, or if the coroner is unable to act, and only in such case, the local registrar shall prepare the medical certificate from the statement of relatives or other person having knowledge of the facts.

Unless good cause is shown, a person in charge of a body who fails to notify the county coroner and sheriff of the death no later than twenty-four hours following the death is guilty of a Class 2 misdemeanor.

An Act to establish a penalty for certain persons who fail to file a birth certificate or who fail to provide the notice required for the filing of a death certificate.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1110

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1110
File No. _____
Chapter No. _____

=====

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State