



Ohio Legislative Service Commission

Final Analysis

Lisa Musielewicz

Am. Sub. S.B. 61 131st General Assembly (As Passed by the General Assembly)

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

Reps. Barnes, Bishoff, Amstutz, Anielski, Blessing, Brown, Buchy, Burkley, Conditt, Derickson, Dever, Dovilla, Duffey, Fedor, Gerberry, Green, Hackett, Hambley, Hayes, Huffman, Kraus, Kuhns, Kunze, LaTourette, Leland, Lepore-Hagan, Maag, Manning, McColley, M. O'Brien, Patterson, Pelanda, Perales, Phillips, Ramos, Retherford, Rogers, Ruhl, Ryan, Schaffer, Sears, Sheehy, Slaby, K. Smith, Stinziano, Strahorn, Sweeney, Terhar, Young, Rosenberger

Effective date: October 15, 2015

ACT SUMMARY

- Limits who may receive a certified copy of a death certificate containing the decedent's social security number in the first five years after the decedent's death.

CONTENT AND OPERATION

Social security numbers on death certificates

The act limits to whom an official who maintains vital records may issue a certified copy of a death certificate containing the decedent's social security number in the first five years after the decedent's death. Under continuing law, the officials who maintain vital records are the Director of the Ohio Department of Health (ODH), the State Registrar of Vital Statistics (who is employed by ODH), and local registrars of vital statistics. Under prior law, those officials were required to issue a certified copy of a death certificate (with no information redacted) to any person on the person's submission of the required application and fee.¹

¹ R.C. 3705.23(A)(1) and (5).

The act's restriction on who may receive a certified copy of a death certificate with the decedent's social security number is expressed as a prohibition on the vital statistics officials. The officials are prohibited from including the decedent's social security number on the copy of the death certificate for the first five years after the decedent's death, unless that information is specifically requested to be on the copy by one of the following who presents satisfactory proof to the official of the person's identity:²

--The decedent's spouse.

--A county veteran's service officer.

--A local official authorized to cause the burial or cremation of an indigent decedent under continuing law.³

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

--A lineal descendant of the decedent. (Although not defined in the act, a law dictionary defines "lineal descendant" as a blood relative in the direct line of descent; *e.g.*, children, grandchildren, and great-grandchildren.⁴)

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

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

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

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

² R.C. 3705.23(A)(5) and Section 3.

³ R.C. 9.15, not in the act.

⁴ *Black's Law Dictionary* 510 (9th ed. 2009).



--The adult or group of adults to whom a decedent, before death, assigned the right to direct the disposition of the decedent's remains and make certain arrangements related to the decedent's funeral.⁵

--An agent of the decedent when the decedent had been the principal under a power of attorney created under law not modified by the act.⁶ An "agent" for this purpose is a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, co-agent, successor agent, and a person to which an agent's authority is delegated. A power of attorney is a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term "power of attorney" is used.⁷ It is not the same as a durable power of attorney for health care, which is an advance directive an individual (the "principal") can execute to designate another individual (the "attorney-in-fact") to make health care decisions once the principal's attending physician determines that the principal cannot make them.⁸)

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

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

⁵ The authority for a person to assign the right of disposition to one or more adults (the "representative" or "successor representative") is conferred by R.C. 2108.70, not in the act.

⁶ Specifically, R.C. 1337.21 through 1337.64, not in the act.

⁷ R.C. 1337.22(A) and (G), not in the act.

⁸ R.C. 1337.12(A)(1), not in the act.



HISTORY

ACTION	DATE
Introduced	02-18-15
Reported, S. Health & Human Services	04-22-15
Passed Senate (33-0)	05-13-15
Reported, H. Health & Aging	06-24-15
Passed House (92-0)	06-30-15
Senate concurred in House amendments (31-0)	06-30-15

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