



**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: A. Alex Quintana, State Registrar, CHED  
Chris Wells, Division Director, CHED

Through: Chris Wells, Division Director, CHED

Date: October 17, 2018

Subject: **Request for Rulemaking Hearing**  
Proposed Amendments to 5 CCR 1006-1, Vital Statistics, with a request for a rulemaking hearing to be set for December 19, 2018

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The department is proposing changes to the Vital Statistics regulation, 5 CCR 1006-1, which stems from the Vital Statistics Act of 1984 (Title 25, Article 2).

The department has identified opportunities to modify, add, and remove language to the regulation as it is currently written to accomplish several purposes. The proposed rule updates technical language so that it is more reflective of current practice and terminology that has arisen due to changes in technology. Since this regulation was written, the department has implemented two electronic vital event registration systems - the birth registration system in 2008, and the death registration system in 2015. These changes have resulted in new terminology that is used by the Department and its partners in this work. The proposed rule removes language in the regulation that merely duplicates or is not consistent with state statute, and clarifies or reorganizes existing requirements so that it is easier to read and apply by those providing and receiving vital statistics services. Finally, the proposed rule expands the pathways delineated in rule to allow an individual that has transitioned from one sex to another to update their sex on a birth certificate without a court order. The parameters established in the rule ensure the department is able to maintain the integrity of the vital statistics record while minimizing the delays and costs transgender customers experience pursuing a court order.

The department appreciates the board's consideration.

STATEMENT OF BASIS AND PURPOSE  
AND SPECIFIC STATUTORY AUTHORITY  
for Amendments to  
5 CCR 1006-1, Vital Statistics

Basis and Purpose.

The Vital Statistics Act of 1984 (Title 25, Article 2), hereinafter “Act,” governs the administration of vital event registration and vital statistics reporting. The Act contains specific requirements for the Department and its designees. The Act also authorizes the Board of Health to promulgate any rules needed to implement the statute. Overall, the rule does not repeat the statutory requirements; rather, the rule elaborates upon the statute to provide direction and clarity for those performing these public health services. To the extent statute is repeated, this occurs to ensure the program maintains alignment between current and best practices, and the statutory directive.

The Department reviewed the rule pursuant to Section 24-4-103.3, C.R.S. Several technical edits to improve readability and update the rule to align with current practice are proposed. These changes:

- Remove obsolete terms and clarify existing language to align the rule and current practice,
- Consolidate and clarify the delayed registration requirements to make it easier for those reporting this information to know what is needed,
- Modify pronouns referring to the State Registrar in the context of the person, rather than the office,
- Remove references to specific forms, and
- Remove language that duplicates statute where there was no benefit to end-users of the rule to repeat statute.

The proposed rule also includes substantive changes. These include:

- The current rule concerning delayed birth registration is unclear. The language has created two tiers of delayed registration which is confusing to those reporting this information. The proposed language draws upon Department and local public health experience as well as the standard communicated in the Model State Vital Statistics Act and Model State Vital Statistics Regulation (2011 edition) developed by the National Association for Public Health Statistics and Information Systems, hereinafter referred to as the “NAPHSIS Model Regulation.” The proposed revision reorganizes and consolidates the requirements and reporting timeframes in a manner that maintains integrity in the vital record.
- In a case recently filed against the Department, the plaintiff argues that current law does not prohibit the Department from allowing an individual to change the sex designation on an original birth certificate and that an individual may seek this change without first obtaining a court order. The Department has studied state statute, the statutory authorization for rulemaking, the scope of the State Registrar’s discretion, current practice in other states, and the NAPHSIS Model Regulation. The Department, after consulting with the Office of the Attorney General, found that the Board of Health has the authority to modify the rules and requirements of the State Registrar.

The requirements communicated in the rule can be modified to address the concerns raised in the litigation regarding the Department's current process.

After determining that rulemaking was a viable pathway, the Department assessed what would be needed to enable transgender individuals to make this change while maintaining the integrity of the vital statistics record. After careful study, the Department is proposing to allow an individual to amend their sex on a birth certificate with a court order or by the individual and a licensed physician or licensed behavioral healthcare provider documenting that the sex designation on their birth certificate does not align with their identity. An individual may only pursue an administrative change to the sex designation on their birth certificate one time; further revision requires a court order. Importantly, the rule does not require that the individual document that they have completed surgery or receive any specific medical treatments. Similarly, the rule does not require that the individual hold themselves out and publicly communicate their gender identity. Documenting, through an individual providing care, that the individual has received appropriate clinical treatment for their correct sex which differs from the identity proclaimed at birth is sufficient.

- Adding language that allows the sex designation to be identified as female, intersex or male. Any of these three identify biological characteristics and are thus responses that conform to the intent of what is to be captured by the 'sex' field on the birth certificate at the time of birth. By adding this third category, all possible biological sex at birth categories would be represented and can be appropriately be entered by a physician or medical personnel attending a birth.
- Colorado has two statutory pathways for adult adoptees and birth parents to learn more about their child or birth family. Pursuant to Section 25-2-113.5, C.R.S. the State Registrar maintains a voluntary adoption registry. Through the voluntary registry, the State Registrar maintains lists of adult adoptees, can match information to qualified adult adoptees, qualified birth parents, relatives of qualified adult adoptees and qualified adoptive birth parents, and former foster children who have consented to release of identifying information. The State Registrar reviews the lists to identify matches and performs matching services as required by statute. The statute allows a birth parent to be matched with an adult adoptee without the birth parent's consent in limited circumstances. In addition, under the Colorado Children's Code, Section 19- 5-301 *et seq.*, C.R.S., adult adoptees, adoptive parents, biological parents, biological siblings, and descendants and similarly situated individuals may access the original, unredacted birth certificate, court records, and related information through a confidential intermediary who operates pursuant to rules promulgated through the Colorado Adoption Intermediary Commission. Pursuant to Section 19-5-305(1.5)(c), the State Registrar may, in specific circumstances, provide contact and medical information to an adult adoptee, an adoptive parent of a minor adoptee, a custodial grandparent of a minor adoptee, or the legal representative of any such individual, as well as descendants and adoptive family members. Because these individuals have established that they may obtain the vital event record, the Department provides this information at the same time as this meets the customer's service needs without additional back and forth. Under Section 19-5-305, C.R.S. until January 1, 2016, birth parents had the opportunity to communicate whether they authorized release of their information. On and after January 1, 2016, birth parents no longer had the ability to authorize or object to release of their contact information to an adult adoptee. The expansion of access occurring under the Children's Code has made the voluntary adoption registry less used; however, the rule remains necessary as a search performed under the voluntary adoption registry is to be governed by

## Board of Health rules.

SBP 2

The proposed rule updates the search parameters to align with the scope of the Department's authority, align with current data and privacy practices, and ensure that the Department can apply the rule within existing resources.

The Department reviewed Section 10.2 carefully to ensure it communicates current confidentiality, disclosure and data release standards. The proposed changes to this section are not substantive. When reviewing the use of vital statistics data for research, the Department conducted extensive study of both the legally permitted and best practices concerning the use and dissemination of vital statistics data for research purposes. This included a study of the statute, other state and federal practices and federal protections for those participating in human subjects research. Though the rule is unchanged, the Department has developed a procedure outlining how it reviews and processes requests for access to confidential vital statistics data, including conditions for release, detailed terms of use, and requirements for maintenance of the security of the data and confidentiality of any records provided.

The Department reviewed Section 14 and has determined that collection of data concerning fetal deaths (both those <20 weeks gestation and those 20+ weeks gestation), as well as induced termination of pregnancy (ITOPs)/abortions remains a critical vital records and public health surveillance activity. These data are necessary to monitor key public health trends, including occurrences of pregnancy and pregnancy outcomes. Monitoring fetal loss and abortions is necessary for the ongoing evaluation of the effect of improved access to contraception, and is also needed to assess and address persistent disparities in adverse birth outcomes, including fetal loss, medically-indicated abortions, and perinatal mortality as well as overall population-wide fertility patterns. Additionally, these data are utilized by key partners, including the CDC, in reporting similar trends at the regional and national level. Without these data, Colorado would be an outlier of non-participation in a comprehensive national vital statistics system, and the cessation of this data collection and statistical reporting would reduce the effectiveness of our Department to respond to issues affecting the health of Coloradans.

Section 5.1(E) in the proposed rule communicates that a certificate will be marked as "amended" or "delayed" when required by law. Though reorganized, the substantive requirement is unchanged and is based upon the statutory directives for the program. Section 25-2-115(1), C.R.S. requires the State Registrar to identify a certificate as amended unless the change is an addition or minor edit made within one year after the date of the statistical event, when there is an addition of a birth parent, or when the child's surname is changed due to the establishment of parentage pursuant to Section 25-2-112(3), C.R.S. A certificate is marked "delayed" when a birth or death is not registered within one year after the vital event, Sections 25-2-114 and 25-2-112.3, C.R.S.

Language in the regulation referencing "mother" and "father" have been reduced but some of these references remain to ensure the rules remain in alignment with state statutes and acknowledge the responsibilities and rights of the birthing parent(s). These terms are still used in the model regulations. Where gender-neutral terms could be used clearly, this has occurred. The Department appreciates that gender-neutral language is being discussed in many forums. The Department will continue to monitor. Similarly, the term "civil union" was not added to line 326 because the marriage certificate is the only supporting document mentioned as acceptable in the statute, Section 25-2-113, C.R.S. Couples in a civil union can request to add the second parent to the form; such requests are not processed as new certificates.

SBP 3

Specific Statutory Authority.

Statutes that require or authorize rulemaking: C.R.S. 25-2-103.

Is this rulemaking due to a change in state statute?

Yes, the bill number is \_\_\_\_\_. Rules are \_\_\_\_ authorized\_ required.

No

Does this rulemaking incorporate materials by reference?

Yes \_\_\_\_\_ URL or \_\_\_\_\_ Sent to State Publications Library

No

Does this rulemaking create or modify fines or fees?

Yes

No

Does the proposed rule create (or increase) a state mandate on local government?

No. This rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed. Though the rule does not contain a state mandate, the rule may apply to a local government if the local government has opted to perform an activity, or local government may be engaged as a stakeholder because the rule is important to other local government activities.

No. This rulemaking reduces or eliminates a state mandate on local government.

Yes. This rule includes a new state mandate or increases the level of service required to comply with an existing state mandate, and local government will not be reimbursed for the costs associated with the new mandate or increase in service.

The state mandate is categorized as:

Necessitated by federal law, state law, or a court order

Caused by the State's participation in an optional federal program

Imposed by the sole discretion of a Department

Other: \_\_\_\_\_

Has an elected official or other representatives of local governments disagreed with this categorization of the mandate?  Yes  No

If yes, please explain why there is disagreement in the categorization.

Please elaborate as to why a rule that contains a state mandate on local government is necessary.

SBP 4

REGULATORY ANALYSIS  
for Amendments to  
5 CCR 1006-1, Vital Statistics

1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.
  - A. Identify each group of individuals/entities that rely on the rule to maintain their own businesses, agencies or operation, and the size of the group:
    - Funeral Homes - 262
    - Coroners - 64
    - \*Local Vital Records Offices - 60
    - Birthing Hospitals - 61
    - \*Clerk and Recorder Offices - 64
  - B. Identify each group of individuals/entities interested in the outcomes the rule and those identified in #1.A achieve, and if applicable, the size of the group:
    - U.S. Department of State
    - Colorado Department of Motor Vehicles
    - Colorado Department of Public Health and Environment programs engaged in disease control, disease prevention and public health emerging issues for the LGBT community including but not limited to linkages to care, increased risk for homelessness, STI/HIV, and suicide.
    - LGBTQ individuals and advocacy organizations
  - C. Identify each group of individuals/Entities that benefit from, may be harmed by or at-risk because of the rule, and if applicable, the size of the group:
    - Colorado vital statistics customers, particularly Colorado delayed birth registration customers, Colorado born customers seeking to change their sex designation on their birth certificate, and the biological second parent in voluntary adoption registry match requests
    - Physicians - Although there are no proposed changes to the regulation that impact physicians directly, they are listed here because the rule affects their work.
2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.
  - A. For those that rely on the rule to maintain their own businesses, agencies or operations:

Describe the anticipated favorable and non-favorable non-economic outcomes (short-term and long-term), and if known, the likelihood of the outcomes:

Favorable non-economic outcomes:

The proposed rule clarifies, reorganizes and improves overall readability. This will improve application, reduce misinterpretation and improve customer experience.

Unfavorable non-economic outcomes:

Individuals and entities identified in #1.A need to review and be aware of the changes; however, the time taken to understand the current rule is minimal and is offset by the benefits that come from improved readability.

Anticipated financial impact:

Anticipated Costs:	Anticipated Benefits:
Description of costs that must be incurred. None.	Description of financial benefit. None.
Description of costs that may be incurred. None.	
Cost or cost range. None.	Savings or range of savings. None.
Dollar amounts that have not been captured and why: N/A	Dollar amounts that have not been captured and why: N/A

**B. For those that are affected by or interested in the outcomes the rule and those identified in #1.A achieve.**

Describe the favorable or unfavorable outcomes (short-term and long-term), and if known, the likelihood of the outcomes:

Favorable non-economic outcomes:

Though the Department does not control the decisions of other federal and state agencies decisions to issue passports or identification documents, it is anticipated that the U.S. Department of State and the Colorado Department of Revenue, Division of Motor Vehicles, who routinely rely on birth certificates from their customers in order to grant a U.S. Passport or issue a state identification card including a driver’s license, will benefit from the clearer communication of the Department’s standards. In addition, by improving services for vital records customers, our customers may have better documentation when working with these other agencies.

Some of the changes may reduce stigma and disenfranchisement. To the extent the rules could be modified to reduce reliance on statutory terms that may be out of date, such as “legitimacy” or “paternity”, the Department has done so. Similarly, the proposed rule language acknowledges an administrative pathway for updating the sex indicator on a birth certificate.

Unfavorable non-economic outcomes:

None anticipated.

Any anticipated financial costs monitored by these individuals/entities? No

Any anticipated financial benefits monitored by these individuals/entities? No.

- C. For those that benefit from, are harmed by or are at risk because of the rule, the services provided by individuals identified in #1.A, and if applicable, the stakeholders or partners identified in #1.B.

Describe the favorable or unfavorable outcomes (short-term and long-term), and if known, the likelihood of the outcomes:

Clarifying the rule, ensuring customers can produce the documentation required, reorganizing the delayed birth registration section, modifying the voluntary adoption registry match request process to align with statute and adding the new section for individuals seeking to change the sex indicator on their birth certificate, makes it easier for these customers to understand what is needed to obtain the service(s) requested and increases efficient processing of reports and requests.

Financial costs to these individuals/entities: No.

Financial benefits to or cost avoidance for these individuals/entities: Yes.

Individuals may be able to avoid court costs if they can take advantage of administrative pathways to amend a vital event record.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

- A. Anticipated CDPHE personal services, operating costs or other expenditures:

The changes proposed in the regulation are clarifying. The changes may improve the Department's ability to address customer needs efficiently and minimize questions from customers and local government personnel who apply the rule. It is unknown if improving the process will increase the number of delayed birth certifications or sex designation changes. It is anticipated that any workload increase associated with these changes would be minimal and are offset by the saving associated with reducing staff voluntary adoption registry activities. Any effect on the count of requests from delayed registration customers or customers seeking to change their sex indicator on their birth certificate are expected to be absorbed by the program. In sum, it is a net neutral effect.

Anticipated CDPHE Revenues:

There is no expectation that revenues will increase as a result of the proposed language changes. There are no changes to the fees as listed in current regulation.

- B. Anticipated personal services, operating costs or other expenditures by another state agency:

n/a

Anticipated Revenues for another state agency:

n/a

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Check mark all that apply:

- Inaction is not an option because the statute requires rules be promulgated.
- The proposed revisions are necessary to comply with federal or state statutory mandates, federal or state regulations, and department funding obligations.
- The proposed revisions appropriately maintain alignment with other states or national standards.
- The proposed revisions implement a Regulatory Efficiency Review (rule review) result, or improve public and environmental health practice.
- The proposed revisions implement stakeholder feedback.
- The proposed revisions advance the following CDPHE Strategic Plan priorities:

Goal 1, Implement public health and environmental priorities  
 Goal 2, Increase Efficiency, Effectiveness and Elegance  
 Goal 3, Improve Employee Engagement  
 Goal 4, Promote health equity and environmental justice  
 Goal 5, Prepare and respond to emerging issues, and  
 Comply with statutory mandates and funding obligations

Strategies to support these goals:

- Substance Abuse (Goal 1)
- Mental Health (Goal 1, 2, 3 and 4)
- Obesity (Goal 1)
- Immunization (Goal 1)
- Air Quality (Goal 1)
- Water Quality (Goal 1)
- Data collection and dissemination (Goal 1, 2, 3, 4 and 5)
- Implements quality improvement or a quality improvement project (Goal 1, 2, 3 and 5)
- Employee Engagement (career growth, recognition, worksite wellness) (Goal 1, 2 and 3)
- Incorporate health equity and environmental justice into decision-making (Goal 1, 3 and 4)
- Establish infrastructure to detect, prepare and respond to emerging issues (Goal 1, 2, 3, 4, and 5)

Other favorable and unfavorable consequences of inaction: n/a.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

Rulemaking is proposed when it is the least costly method or the only statutorily allowable method for achieving the purpose of the statute. The specific revisions proposed in this rulemaking were developed in conjunction with stakeholders. The benefits, risks and costs of these proposed revisions were compared to the costs and benefits of other options. The proposed revisions provide the most benefit for the least amount of cost, are the minimum necessary or are the most feasible manner to achieve compliance with statute.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

Clarifying the rule to improve customer service can only occur by proposing changes. The proposed changes harmonize Colorado law with the NAPHSIS Model Regulation and other materials governing best practices for vital statistics offices. This rulemaking implements the regulatory efficiency review directed in statute and through executive order. The changes proposed sought to support local government agencies that perform these activities by applying the rule. The rule does not include a new mandate.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The data used in the analysis comes from the program's collective experience and knowledge of operating within the State vital statistics system, the NAPHSIS Model Regulation, and discussions with other state partners during NAPHSIS conferences and calls. The changes proposed in the regulation are expected to remain relevant for the short and long term.

**STAKEHOLDER ENGAGEMENT**  
for Amendments to  
5 CCR 1006-1, Vital Statistics

State law requires agencies to establish a representative group of participants when considering to adopt or modify new and existing rules. This is commonly referred to as a stakeholder group.

**Early Stakeholder Engagement:**

The following individuals and/or entities were invited to provide input and included in the development of these proposed rules:

<b>Organization</b>	<b>Representative</b>
Colorado Coroner's Association	Randy Gorton, CCA President
Funeral Homes	(Broadcast via email list)
Local Vital Records Offices	Email distribution
Birthing Hospitals and Birth Centers	Email distribution
One Colorado	Daniel Ramos
U.S Dept of State	Lanissa Larson, Fraud Program Manager
Colorado DMV	
Colorado Clerk and Recorders	Email distribution
American Academy of Pediatrics, Colorado Chapter	
Colorado Medical Society	
The GLBT Community Center of Colorado	
The Gender Identity Center of Colorado	
PFLAG Denver	
Trans Youth Education & Support	
State Senator Dominick Moreno	
State Representative Daneya Esgar	
Emma Shinn	
John McHugh	
CDHS and Colorado Adoption Intermediary Commission	

**Stakeholder Group Notification**

The stakeholder group was provided notice of the rulemaking hearing and provided a copy of the proposed rules or the internet location where the rules may be viewed. Notice was provided prior to the date the notice of rulemaking was published in the Colorado Register (typically, the 10<sup>th</sup> of the month following the Request for Rulemaking).

Not applicable. This is a Request for Rulemaking Packet. Notification will occur if the Board of Health sets this matter for rulemaking.

Yes.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

The department solicited feedback from the stakeholders listed above through a survey that was sent via email distribution. The survey asked respondents to rate how strongly they supported or opposed the changes proposed by the department in the rule on a scale of 1 to 5, with '1' meaning 'Strongly Oppose', '5' meaning 'Strongly Support', and provided a section where they could provide written feedback. There are five areas in the survey for respondents to provide a rating, and those are: 1) Technical Language Clean-Up, 2) Changes to the Delayed Birth Registration Process, 3) Changes to Sex Designation Process on the Birth Records 4) Addition of the 'Intersex' category for birth records, and 5) Changes to the voluntary adoption registry second parent search process.

As of 9/28/18, there are 14 responses, with some areas having fewer responses than others. A summary is provided below. The Department will continue to review feedback received. If this matter is set for hearing, the rulemaking packet will be updated for the hearing.

### 1) Technical Language Clean-Up

A large majority were supportive of technical language cleanup proposed changes to the rule with no one opposed to them.

### 2) Changes to the Delayed Birth Registration Process

Concerning changes related to the Delayed Birth Registration process, 10 out of the 12 responses received were either neutral or supportive on the changes, and 2 out of the 12 were not in favor. One of the two comments received suggested that the Department should have physicians sign death certificates electronically as the only option for cause of death certification on death certificates. The proposed changes to the rule require that all death certificates are registered electronically, with exceptions given on a case by case basis.

### 3) Changes to Sex Designation Process on the Birth Records and 4) Addition of the 'Intersex' category for birth records

The proposed changes concerning the process for amending the sex designation on the birth certificate and the proposal to add an 'intersex' category to the birth record received mixed results. In both areas, 6 out of 14 responses were 'strongly oppose' to the changes while 5 out of the 14 were 'strongly support, with the 3 remaining responses roughly spread across the inner ratings. In the second of the two comments received, the commenter stated that, 'there are only two sexes, male and female.'

Concerning the addition of 'intersex' as a third option in addition to 'male' and 'female', the department believes that this third option appropriately covers the remaining segment of the population whose biological sex does not conform to the typical definitions of 'male' and 'female'. The birth certificate captures the biological sex of the individual that is born in this state at the time of birth, and the sex of almost all births are either 'female' or 'male'. However, given that there are individuals who do not have specific 'male' or 'female' characteristics, the 'intersex' designation seeks to represent this segment of the population. Adding this third option as an amendment to a record helps those individuals who have intersex characteristics and want to receive a more accurate representation of their sex status as reflected on their birth certificate.

The Department appreciates that the birth certificate is relied upon by other agencies for passports and identification. The Department has no authority to compel these other agencies to honor an intersex designation or amendment to change the sex designation.

5) Changes to the voluntary adoption registry second parent search process.

Lastly, the proposed changes to the rule concerning the voluntary adoption registry second parent search process were not opposed, with the majority in support or neutral on the changes. Therefore, the department will keep the proposed language concerning this area at this point in time.

Please identify the determinants of health or other health equity and environmental justice considerations, values or outcomes related to this rulemaking.

By conducting the regulatory efficiency review, opportunities to clear up language in efforts to enhance readability of the statute were addressed. Regulations that were confusing, outdated, inefficient or outdated were replaced with current terminology and phrasing that enhances readability for the sake of all affected stakeholders, beneficiaries, and customers.

Overall, after considering the benefits, risks and costs, the proposed rule:

Select all that apply.

	Improves behavioral health and mental health; or, reduces substance abuse or suicide risk.		Reduces or eliminates health care costs, improves access to health care or the system of care; stabilizes individual participation; or, improves the quality of care for unserved or underserved populations.
	Improves housing, land use, neighborhoods, local infrastructure, community services, built environment, safe physical spaces or transportation.	x	Reduces occupational hazards; improves an individual’s ability to secure or maintain employment; or, increases stability in an employer’s workforce.
	Improves access to food and healthy food options.		Reduces exposure to toxins, pollutants, contaminants or hazardous substances; or ensures the safe application of radioactive material or chemicals.
x	Improves access to public and environmental health information; improves the readability of the rule; or, increases the shared understanding of roles and responsibilities, or what occurs under a rule.		Supports community partnerships; community planning efforts; community needs for data to inform decisions; community needs to evaluate the effectiveness of its efforts and outcomes.
	Increases a child’s ability to participate in early education and educational opportunities through prevention efforts that increase protective factors and decrease risk factors, or stabilizes individual participation in the opportunity.		Considers the value of different lived experiences and the increased opportunity to be effective when services are culturally responsive.
	Monitors, diagnoses and investigates health problems, and health or environmental hazards in the community.		Ensures a competent public and environmental health workforce or health care workforce.
	Other: _____ _____		Other: _____ _____

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2 **Center for Health and Environmental Data**

3 **VITAL STATISTICS**

4 **5 CCR 1006-1**

5 **Adopted by the Board of Health on \_\_\_\_\_ . Effective \_\_\_\_\_ .**

6 \_\_\_\_\_

7 **SECTION 1 AUTHORITY AND PURPOSE FOR ESTABLISHING RULES AND REGULATIONS**

8 These regulations are ~~being~~ promulgated pursuant to ~~CRS~~Section 25-2-103, C.R.S. which states that the  
9 “state board of health shall adopt, promulgate, amend, and repeal such rules and regulations and orders  
10 in accordance with the provisions of ~~S~~section 24-4-103, C.R.S. as are necessary and proper for carrying  
11 out the provisions of the article.”

12 The purpose of these regulations is to establish rules governing the administration of Colorado’s vital  
13 statistics system.

14 **SECTION 2 ~~VITAL RECORDS STRUCTURE DEFINITIONS, DESIGNATION OF OFFICES,~~**  
15 **~~SUBMISSION, USE, AND DISTRIBUTIONS OF VITAL STATISTICS~~**

16 **SECTION 2.1 ~~DUTIES OF STATE REGISTRAR (25-2-103 through 25-2-105; 25-2-122)~~DEFINITIONS**

17 As used in this regulation, unless the context otherwise requires:

18 A. “Certificate” means a printed, certified copy of the vital event record.

19 B. “Legal representative” means an attorney, physician, funeral director, or other authorized agent  
20 acting on behalf of the registrant or his family.

21 A-C. “Next of kin” means a family member or members of the deceased who, under Colorado  
22 law, have legal authority over the disposition of human remains, see Section 12-54-102(17),  
23 C.R.S.

24 D. “Person with a direct and tangible interest” means the registrant, a member of the registrant’s  
25 immediate family, the registrant’s legal guardian or legal custodian, or their respective legal  
26 representatives which includes an attorney, physician, funeral director, or other authorized agent  
27 acting on behalf of the registrant or his family. Others may demonstrate a direct and tangible  
28 interest when information is needed for determination or protection of a personal or property right.  
29 The natural parents of adopted children when neither has custody, and commercial firms or  
30 agencies requesting listings of names and addresses shall not be considered to have a direct and  
31 tangible interest.

32 E. “Record” means an electronic or paper vital event registered as reported, updated, and stored  
33 within the files of the office of the state registrar of vital statistics and designated offices.

34 F. “Report” means an electronic or paper document containing information related to a vital event  
35 submitted by a person or entity required to submit the information in accordance with this state  
36 statute and this regulation for the purpose of registering a vital event.

37 G. “State Registrar” means the State Registrar of Vital Statistics or their designee.

38 H. “Vital event” means an event recognized under Colorado law as statistically significant. These  
39 include but are not limited to birth, marriage, civil unions, adoption, dissolution or nullification of  
40 marriage, dissolution or nullification of civil unions, parentage determinations, change of name,  
41 change of sex, death, and any data related thereto which have been accepted for registration and  
42 incorporated into the official records and certificates.

## 43 **SECTION 2.2 Designation Of Additional Offices**

44 A. The State Registrar shall determine whether offices other than the office of the State Registrar  
45 and organized local health departments established pursuant to Part 5 or 7 of Article 1 of Title 25  
46 are needed to aid in the efficient administration of the system of vital statistics. Such  
47 determination shall be based on an evaluation of the most efficient method to meet the needs of  
48 the people of this state with respect to the establishment and operation of the system of vital  
49 statistics.

50 B. The State Registrar shall delegate such duties and responsibilities to such offices as the State  
51 Registrar deems necessary to insure the efficient operation of the system of vital statistics. If the  
52 State Registrar determines that additional offices are necessary, such offices shall be designated  
53 or established by the State Registrar. The duties and responsibilities may be assigned to  
54 currently existing offices, or special branch offices of the State Registrar may be established in  
55 those areas where they are deemed necessary, or a combination of existing offices and branch  
56 offices may be used. The State Registrar shall determine the responsibilities and duties of each  
57 office independently.

58 B.—Employees and individuals operating in the state or local offices will comply with the vital statistics  
59 law; this rule; and the policies, processes, and procedures directed by the State Registrar,  
60 including requirements to attend periodic meetings as required by the State Registrar. As needed,  
61 state and local offices may be asked to assess and document performance and costs associated  
62 with administration of vital statistics.

63 C.—In all cases where existing offices are utilized, the employees of such offices shall adhere to the  
64 vital statistics law and regulations and shall meet performance and accounting standards detailed  
65 in Section 2.4.

66 D.C. \_\_\_\_\_ The State Registrar shall delegate such duties and responsibilities to such offices as he  
67 deems necessary to insure the efficient operation of the system of vital statistics.

## 68 **SECTION 2.3 Submission, Use And Distribution Of Vital Statistics Information**

69 All electronic or paper forms, reports, records, certificates, and data used in the system of vital statistics  
70 are the property of the office of the state registrar of vital statistics, and shall be surrendered to the State  
71 Registrar as required by law, submitted and distributed in the form and manner required prescribed and  
72 distributed by the State Registrar, and only used for official purposes, including the reporting vital  
73 statistics, or as authorized by statute and this rule. Only software approved by the State Registrar shall be  
74 used in the electronic reporting of vital events.  
75

## 76 **SECTION 2.4 General Requirements For Preparation Of Certificates**

77 ~~All forms, certificates, and reports used in the system of vital statistics are the property of the Office of the~~  
78 ~~State Registrar of Vital Statistics and shall be surrendered to the State Registrar of Vital Statistics~~  
79 ~~hereinafter referred to as “State Registrar” upon demand. The forms prescribed and distributed~~  
80 ~~by the State Registrar for reporting vital statistics shall be used only for official purposes.~~  
81

82 ~~Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital~~  
83 ~~statistics or in making copies thereof. Only software approved by the state registrar shall be used~~  
84 ~~in the electronic reporting of vital events.~~  
85

- 86 A. Those registering vital events will use the current version of the electronic registration system  
87 approved by the State Registrar. The State Registrar, at their discretion, may grant waivers for  
88 not using the electronic registration system in unusual circumstances. If a waiver is granted, the  
89 report will be submitted on ~~All certificates and records relating to vital statistics must be prepared~~  
90 ~~on~~ a typewriter with a black ribbon, on a letter-- quality printer with black or blue ink, or printed  
91 legibly in black, unfading ink, ~~or using the current version of an electronic registration system~~  
92 approved by the state registrar. Use of an approved electronic registration system is the preferred  
93 method to be used in most circumstances. ~~The state registrar may grant waivers for not using the~~  
94 electronic registration system in unusual circumstances.
- 95 B. Only those individuals authorized in state statute to register and certify vital event information to  
96 the State Registrar can submit a report. All signatures ~~required~~ shall be entered in black, unfading  
97 ink or ~~an electronically as authorized by Section 24-71-101, C.R.S. signature when authorized by~~  
98 the state registrar. ~~et seq.~~
- 99 C. Unless otherwise directed by the State Registrar, no ~~certificate-report~~ shall be complete and  
100 correct and acceptable for registration if it:
- 101 1. ~~(a) — That d~~ Does not have the certifier's name typed or printed legibly under his  
102 signature;
- 103 2. ~~(b) — That D~~ does not supply all items of information called for thereon or satisfactorily  
104 account for their omission;
- 105 3. ~~(c) — That C~~ contains alterations or erasures;
- 106 4. ~~(d) — D~~ That does not contain handwritten or electronic signatures ~~as required~~;
- 107 5. ~~(e) — That i~~ is marked "copy" or "duplicate";
- 108 6. ~~(f) — I~~ That is a carbon copy;
- 109 7. ~~(g) — That is prepared on an improper form~~;
- 110 ~~8.7.~~ ~~(h) — C~~ That contains improper or inconsistent data;
- 111 ~~9.8.~~ ~~(i) — C~~ That contains an indefinite cause of death which denotes only symptoms of  
112 disease or conditions resulting from disease;
- 113 ~~(j) — That is not in English or contains non-English symbols~~;
- 114 ~~10.9.~~ ~~(k) — I~~ That is not prepared in the form and manner prescribed by state statute,  
115 these rules and the in conformity with regulations or instructions issued by the State  
116 Registrar.
- 117 D. ~~(a)~~ Full or short form certified copies of vital records may be made by mechanical, electronic, or  
118 other reproductive processes, except that the information contained in the "Information for  
119 Medical and Health Use Only" section of the birth certificate shall not be included. ~~(b)~~ — When a  
120 certified copy is issued, each certification shall be certified as a true copy by the State Registrar,  
121 and shall include the date issued, the name of the issuing officer, the registrar's signature or an  
122 authorized facsimile thereof, and the seal of the issuing office.
- 123 E. When the State Registrar finds evidence that a certificate was registered through misrepresentation  
124 or fraud, the State Registrar ~~he~~ shall have the authority to withhold the issuance of a certified  
125 copy of such certificate until additional evidence satisfactory to the State Registrar has been  
126 obtained or until a court determination of the facts has been made.

~~F. Applicants for heirloom birth certificates and heirloom marriage certificates shall pay a fee of \$35.00 per copy.~~

### SECTION 3 HEIRLOOM BIRTH CERTIFICATES

~~Applicants for heirloom birth certificates and heirloom marriage certificates shall pay a fee of \$35.00 per copy.~~  
~~LIVING INFANTS OF UNKNOWN PARENTAGE~~

Applicants for heirloom birth certificates and heirloom marriage certificates shall pay a fee of \$35.00 per copy.

~~In addition to the requirements in Sections 2.1 and 2.2, whomever assumes custody of a infant of unknown parentage shall indicate the location the child was found as the place of birth and provide any additional known information as required by the State Registrar.~~

### SECTION 4 ~~DELAYED~~ REGISTRATION OF BIRTH

#### SECTION 4.1 Sex Designation

~~The record and certificate may identify the sex designation as female, intersex or male.~~

#### SECTION 4.2 Delayed Registration Of Birth

~~Any birth registered after-1 year or more afteref the date of birth, constitutes a delayed registration of birth.~~

A. 1. ~~Any individual eighteen years of age or older or an emancipated minor, born in the state of Colorado whose birth is not registered in this state may request the registration of a delayed report of birth.~~

2. ~~If an individual is under 18 years of age, the request for registration of a delayed report of birth may be submitted by one of the following in the indicated order of priority:~~

a. ~~One of the parents of the registrant,~~

b. ~~The legal guardian of the registrant,~~

c. ~~The legal custodian of the registrant, or~~

d. ~~In the absence, inability or refusal of a parent, guardian or legal custodian, any next of kin who is eighteen years of age or older, at least ten years older than the registrant, and has personal knowledge of the facts of live birth.~~

B. 1. ~~An individual requesting registration of a delayed report of birth must provide a sworn, signed and notarized statement that establishes in the form and manner required by the State Registrar:~~

a. ~~The full name of the person at the time of live birth;~~

b. ~~The date of birth and place of live birth;~~

c. ~~The full name of the mother prior to first marriage;~~

d. ~~The full name of the father unless parentage needs to be amended pursuant to Section 5.~~

2. ~~To establish these facts, the requestor must submit the following documentation:~~

- 162           a. One document showing name;  
163           b. Two documents proving birthdate or age (at least one showing actual birthdate);;  
164           c. Two documents proving birthplace; and;  
165           d. One document proving parentage.
- 166           At least one of the documents identified above must be have been created during the first 10  
167           years of life. One document may be a sworn affidavit that is notarized.

- 168           3. The State Registrar may require additional evidence in support of the facts of birth and/or an  
169           explanation of why the report of birth was not registered within the required ten days.

170       C. The State Registrar, or their designee, shall determine the acceptability of all documentary  
171       evidence submitted. All documents must be internally consistent. Documents must be from  
172       independent sources and shall be in the form of the original record or a duly certified copy thereof  
173       or a signed statement from the custodian of the record or document. Documents may include, but  
174       are not limited to:

- 175           1. Census records;  
176           2. Hospital records;  
177           3. Military records;  
178           4. Social security records;  
179           5. Voter registration records;  
180           6. School records; or  
181           7. Other documents as designated by the State Registrar.

182       D. The submission and documentation shall be reviewed and upon approval, an abstract will be  
183       developed. The abstract will identify each document submitted to support the facts shown on the  
184       delayed birth certificate including, the title or description of the document, the date of the original  
185       filing of the document being abstracted, and the information regarding the birth facts contained in  
186       the document. The abstract will be attached to the delayed certificate of birth. Original documents  
187       submitted in support of the delayed birth registration shall be returned to the applicant after  
188       review and abstraction.

- 189       E. 1. The State Registrar, or their designee, shall, by signature, certify that no prior birth certificate  
190       is on file for the person whose birth is to be recorded, that the evidence submitted has been  
191       reviewed and abstracted, and that the documentation establishes the facts of birth;
- 192           2. Births registered after ten days, but within one year from the date of birth, shall not be  
193           marked "delayed."

194       F. Requests for delayed certificates which have not been completed within one year from the date of  
195       application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State  
196       Registrar shall so advise the applicant and all original documents submitted in support of such  
197       registration shall be returned to the applicant

199 ~~Certificates of birth filed after ten days, but within one year from the date of birth, shall be registered on~~  
200 ~~the standard form of live birth certificate in the manner prescribed in 25-2-114. Such certificate shall not~~  
201 ~~be marked "Delayed".~~

202 ~~In any case where the certificate is signed by someone other than the attendant or person in charge of~~  
203 ~~the institution where birth occurred, a notarized statement setting forth the reason therefor must be~~  
204 ~~submitted.~~

205 ~~The State Registrar may require additional evidence in support of the facts of birth and/or an explanation~~  
206 ~~of why the certificate of birth was not filed within the required ten days.~~

#### 207 ~~Section 4.2 — Registration After First Birthday and Before Seventh Birthday~~

208 ~~Certificates of birth filed after the child's first birthday but before his seventh birthday shall be registered~~  
209 ~~on the standard form of live birth certificate in the manner prescribed in 25-2-114. Such certificate shall be~~  
210 ~~marked "Delayed" on its face.~~

#### 211 ~~Section 4.3 — Delayed Certificate of Birth Form~~

212 ~~All certificates registered seven years or more after the date of birth are to be registered on a delayed~~  
213 ~~certificate of birth form prescribed by the State Registrar.~~

#### 214 ~~Section 4.4 — Who May Request the Registration of and Sign a Delayed Certificate of Birth~~

215 ~~Any person born in the State whose birth is not recorded in this State, or his parent, guardian, or older~~  
216 ~~person in his immediate family acting for the registrant and having personal knowledge of the facts of~~  
217 ~~birth may request the registration of a delayed certificate of birth, subject to these regulations and~~  
218 ~~instructions issued by the State Registrar.~~

219 ~~Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer~~  
220 ~~oaths by the person whose birth is to be registered if such person is 18 years of age or over and is~~  
221 ~~competent to sign and swear to the accuracy of the facts stated therein; otherwise the certificate shall be~~  
222 ~~signed and sworn to by one of the following in the indicated order of priority:~~

223 ~~(a) — One of the parents of the registrant, or~~

224 ~~(b) — The guardian of the registrant, or~~

225 ~~(c) — Any older person in his immediate family having personal knowledge of the facts of birth.~~

#### 226 ~~Section 4.5 — Facts to be Established for a Delayed Registration of Birth~~

227 ~~The minimum facts which must be established by documentary evidence shall be the following:~~

228 ~~(a) — The full name of the person at the time of birth;~~

229 ~~(b) — The date of birth and place of birth;~~

230 ~~(c) — The full maiden name of the mother;~~

231 ~~(d) — The full name of the father; except that if the mother was not married either at the time of~~  
232 ~~conception or birth the name of the father shall not be entered on the delayed certificate~~  
233 ~~except as provided in Section 5.~~

#### 234 ~~Section 4.6 — Documentary Evidence Requirements~~

235 ~~To be acceptable for filing, the name of the registrant, the date and place of birth and the parents entered~~  
236 ~~on a delayed certificate of birth shall be supported by the following:~~

237 (a) ~~— If the record is filed within seven years after the date of birth, one document showing~~  
238 ~~name, birthdate, birthplace and parentage. If the birth occurred in a hospital or other~~  
239 ~~institution, the administrator of the institution shall certify to the facts of birth. If the birth~~  
240 ~~did not occur in an institution but was attended by a physician, the physician shall certify~~  
241 ~~to the facts of birth. If the birth did not occur in an institution and was not attended by a~~  
242 ~~physician any person witnessing the birth shall certify to the facts of birth, or in the~~  
243 ~~absence of any such witness the father or mother shall certify to the facts of birth.~~  
244 ~~Additional documentation of birthplace may be required.~~

245 (b) ~~— If the record is filed seven years or more after the date of birth, two documents proving~~  
246 ~~birthdate or age (at least one showing actual birthdate), two documents proving~~  
247 ~~birthplace and one document proving parentage. At least one of the documents must be~~  
248 ~~a record made during the first seven years of life. Additional documentation may be~~  
249 ~~required.~~

250 ~~Section 4.7 — Documentary Evidence — Acceptability~~

251 ~~The State Registrar may establish a priority of best evidence.~~

252 ~~Documents presented, such as census, hospital, church, and school records, must be from independent~~  
253 ~~sources and shall be in the form of the original record or a duly certified copy thereof or a signed~~  
254 ~~statement from the custodian of the record or document. The documents must be internally consistent.~~

255 ~~Section 4.8 — Abstraction of Documentary Evidence~~

256 ~~The State Registrar, or his designated representative, shall abstract on the delayed certificate of birth a~~  
257 ~~description of each document submitted to support the facts shown on the delayed birth certificate. This~~  
258 ~~description shall include:~~

259 (a) ~~— The title or description of the document;~~

260 (b) ~~— The date of the original filing of the document being abstracted;~~

261 (c) ~~— The information regarding the birth facts contained in the document.~~

262 ~~All documents submitted in support of the delayed birth registration shall be returned to the applicant after~~  
263 ~~review.~~

264 ~~Section 4.9 — Certification by the State Registrar~~

265 ~~The State Registrar, or his designated representative, shall, by signature, certify:~~

266 (a) ~~— That no prior birth certificate is on file for the person whose birth is to be recorded;~~

267 (b) ~~— That he has reviewed the evidence submitted to establish the facts of birth;~~

268 (c) ~~— That the abstract of the evidence appearing on the delayed certificate of birth accurately~~  
269 ~~reflects the nature and content of the document.~~

270 ~~Section 4.10 — Dismissal After One Year~~

271 ~~Applications for delayed certificates which have not been completed within one year from the date of~~  
272 ~~application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar~~

273 shall so advise the applicant and all documents submitted in support of such registration shall be returned  
274 to the applicant.

## 275 SECTION 5 AMENDING RECORD OR CERTIFICATES

### 276 SECTION 5.1 General Requirements For Amending Certificates

277 A. 1. Unless expressly stated elsewhere in this rule, only a person with a direct and tangible  
278 interest in the record may a request to amend a birth record will be submitted by a person  
279 with a direct and tangible interest in the certificate record in accordance with state  
280 law.

281 2. Unless expressly stated elsewhere in this rule, only a funeral director, coroner,  
282 physician, local registrar, health facility, next of kin, or legal representative authorized individual  
283 may a request to amend a death record will be submitted by a funeral director, coroner,  
284 physician, local registrar, health facility, or authorized individual an individual required  
285 to report the death to the State Registrar including next of kin. — Applications to amend the  
286 medical certification of —cause of death shall be made only by the physician or coroner who  
287 signed the medical —certification in which case —an amended certificate must be filed.

288 B. Unless otherwise provided in these regulations or in the statute, all other amendments to  
289 vital records shall be submitted and documented in the form and manner prescribed by the State  
290 Register. The submission will include:

291 1. The information needed to identify the record, the incorrect item as it is listed on the  
292 certificate; and the correct item as it should appear, and;

293 2. One or more items of documentary evidence which support the alleged facts and were  
294 established at least five years prior to the date of application for amendment or within seven  
295 years of the date of the event.

296 C. The State Registrar shall evaluate the evidence submitted in support of any amendment. At the  
297 discretion of the State Registrar, the amendment may be rejected if the validity or adequacy of  
298 the documentary evidence is questionable, and the applicant advised of the reasons for the  
299 action.

300 D. Once an amendment of an item is made on a vital event record, the item shall not be amended  
301 again except upon determination of good cause by the State Registrar.

302 E. Amended certificates will only be amended to the extent necessary to modify the  
303 information included in the report or court decree. The remainder of the information shown on the  
304 original certificate will remain unchanged. The certificate will be identified as  
“amended” or “delayed” when required by law. (d

305 The State Registrar shall determine the responsibilities and duties of each office independently.

306 Section 2.4—Performance and Accounting Standards for Offices Established or Designated under 25-  
307 2-103.

Local vital records offices established or designated under section 25-2-103 shall:

308 (a) Conform to the Colorado Vital Statistics Act and Regulations and follow instructions issued by the  
309 State Registrar;

310 (b) Submit periodic financial and workload statistics as required by the State Registrar; and

311 ~~(c) — Attend periodic meetings as required by the State Registrar.~~

312 **SECTION 5.2 New Certificates of Birth to Amend Parentage Pursuant to FOLLOWING**  
313 **ADOPTION, LEGITIMATION, AND PATERNITY DETERMINATION (Section 25-2-113,**  
314 **C.R.S.**

315 A. A new certificate of birth may be issued as to any person born in this state upon receipt of:

316 1. A request from an individual or, in the case of an individual under the age of eighteen, a  
317 request from parent, guardian or legal custodian and:

318 \_\_\_\_\_ A certified copy of a court decree issued pursuant to Section 25-2-113, C.R.S. or

319 \_\_\_\_\_ A report or certified copy of a decree concerning the adoption, or parentage of such a  
320 person from a court of competent jurisdiction outside this state.

321 If the surname of the child is not decreed by the court, the request for a new certificate shall  
322 specify the surname to be placed on the record.

323 2. A request from a birth mother and second parent who marry after the birth of a child, a  
324 certificate of marriage, and a sworn and notarized statement of parentage signed by the birth  
325 parents. If another person is shown as the parent on the current certificate, a new record  
326 may only be prepared when a determination of parentage is made by a court of competent  
327 jurisdiction. A divorce decree that does not decree parentage cannot be used to establish  
328 parentage.

329 3. A request from a birth mother and a second parent if the State Registrar, upon review of the  
330 original birth record determines that the second parent's name may be added pursuant to  
331 Section 25-2-112(3), C.R.S. The surname of the child may be specified as part of the  
332 acknowledgement of parentage process.

333 B. A new certificate of birth will not be prepared for an adoption if the court that has decreed the  
334 adoption, an adoptive parent, or the adopted person requests that no new certificate be prepared.  
335 The State Registrar is not required to amend a birth certificate following adoption if the court that  
336 has decreed the adoption, the adoptive parent, or the adopted person request that the certificate  
337 remain unchanged. A new certificate of birth is not required for an adoption if this is requested by  
338 the court that has decreed the adoption, by an adoptive parent, or by the adopted person.

339 **Section 5.1 — Legitimation**

340 ~~If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the~~  
341 ~~State Registrar for a child born in this State upon receipt of a sworn acknowledgement of~~  
342 ~~paternity signed by the natural parents of said child together with a certified copy of the parents'~~  
343 ~~marriage record. However, if another man is shown as the father of the child on the original~~  
344 ~~certificate, or if the mother was married to another man at the time of conception or birth of the~~  
345 ~~child, a new certificate may be prepared only when a determination of paternity is made by a~~  
346 ~~court of competent jurisdiction or following adoption. A divorce decree is not acceptable evidence~~  
347 ~~regarding paternity.~~

348 **Section 5.2 — Determination of Paternity**

349 ~~A new certificate of birth shall be prepared by the State Registrar for a child born in this State upon~~  
350 ~~receipt of a certified copy of the court determination of paternity, together with a request from the~~  
351 ~~natural mother, natural father, legal representative or person having legal custody of said child~~  
352 ~~that such new certificate be prepared. If the surname of the child is not decreed by the court, the~~  
353 ~~request for a new certificate shall specify the surname to be placed on the certificate.~~

354 C. In addition to the requirements delineated in Sections 2.1 and 2.25.1, The new certificate of  
355 birth prepared after adoption, legitimation, or determination of paternity, shall be on the form in  
356 use at the time of its preparation submitted in the form and manner required by the State Registrar  
357 and the requesting party shall provide the information necessary to locate the existing record and  
358 such other information necessary to complete the certificate, such as. This includes the following  
359 items and such other information necessary to complete the certificate:

- 360 1. a) — The name of the child;
- 361 2. b) — The date and place of birth as transcribed from the original record certificate;
- 362 3. c) — The names and personal particulars of the adoptive parents or of the natural  
363 parents listed on the original birth record, whichever is appropriate;
- 364 4. d) — The birth number assigned to the original birth record certificate;
- 365 5. e) — The original filing date.

### 366 **SECTION 5.3 Amendment of Minor Errors on Birth Certificates During the First Year**

367 Amendment of obvious errors, omissions or transposition of letters in words of common knowledge may  
368 be made by the State Registrar within the first year after the date of birth either upon his/her or their  
369 designee's own observation or query, or upon request of a person with a direct and tangible interest in the  
370 certificate as defined in Section 2.D. When such additions or minor amendments are made by the State  
371 Registrar, a notation as to the source of the information, together with the date the change was made and  
372 the initials of the authorized agent making the change shall be made on the record in such a way as not  
373 to become a part of any certified copy certificate issued. The certificate shall not be marked "Amended".

### 374 **SECTION 5.4 Amendment of Registrant's Given Name(s) on Birth Certificates within the First** 375 **Year**

376 Until the registrant's first birthday, given names may be amended upon written request of:

- 377 A. Both parents,
- 378 B. The mother when no second parent is listed,
- 379 C. The father in the case of the death or incapacity of the mother,
- 380 D. The mother in the case of the death or incapacity of the father, or
- 381 E. The legal guardian or legal custodian of the registrant.

382 After one year from the date of birth the provisions of Section 4.2 must be followed to amend a given  
383 name if the name was entered incorrectly on the birth certificate. A legal change of name order must be  
384 submitted from a court of competent jurisdiction to change a given name after one year.

### 386 **SECTION 5.5 Amendment of the Sex Designation**

387 Before changing the sex designation on the birth certificate, the State Registrar must:

- 389 A. Confirm the individual is eighteen years of age or older or an emancipated minor, or if the  
391 registrant is under the age of eighteen, a parent on the birth record, a legal guardian or an  
392 authorized legal representative is requesting the amendment,

393

394 B. Confirm the name on the birth certificate and the name of the individual for whom the amendment  
 395 is requested match or can be linked through the submitted documentation, and

396 C. 1. Receive: a certified copy of an order of a court of competent jurisdiction changing the sex of  
 397 the applicant, or

398 2. Receive, in the form and manner prescribed by the State Registrar, a letter from a licensed  
 399 treating medical provider, signed under the penalty of perjury, confirming the individual  
 400 received appropriate clinical treatment for their correct sex, which also includes the provider's  
 401 medical license or certificate number and the issuing U.S. State/Foreign Country of  
 402 license/certificate.

403 a. This requirement should not be read to require an individual to undergo any specific  
 404 surgery, treatment, clinical care or behavioral health care.

405 b. The State Registrar shall change the sex designation-pursuant to a request made under  
Section 5.5(C)(2) only once during an individual's lifetime. Any further amendment  
to the sex designation on a birth record or certificate requires a court order pursuant to  
Section 5.4(C)(1).

#### 406 **SECTION 5.6 OTHER AMENDMENTS TO ANY VITAL EVENT RECORD OR CERTIFICATE**

407 A. All items of a medical nature may be amended only upon receipt of a signed statement from  
 408 those persons responsible for the completion of such items. The State Registrar may require  
 409 documentary evidence to substantiate the requested amendment.

410 B. The State Register may authorize other amendments not expressly stated herein when such  
 411 amendments are authorized by statute, do not conflict with the requirements delineated herein,  
 412 and can be accomplished in the form and manner necessary to maintain the integrity of the vital  
 413 event record.

414

415 ~~(25-2-115)Section 5.4—Existing Certificate to Be Placed in a Special File~~

416 ~~After preparation of the new certificate, the existing certificate and the evidence upon which the~~  
 417 ~~new certificate was based are to be placed in a special file. Such file shall not be subject to~~  
 418 ~~inspection except as provided in 25-2-113.5, upon order of a court of competent jurisdiction or by~~  
 419 ~~the State Registrar for purposes of properly administering the vital statistics program.~~

420

#### 421 **SECTION 6 DEATH REGISTRATION AND RECORDS**

422 ~~(-25-2-110)~~

#### 423 **SECTION 6.1 Acceptance of Incomplete Death Certificate Record**

424

425 Pursuant to Section 25-2-110, C.R.S., a certificate of death for each death, including a stillborn death,  
 426 that occurs in Colorado must be filed with the state registrar or as otherwise directed by the state  
registrar, within five days after the death occurs and prior to final disposition. If all the information  
 427 necessary to complete a ~~report of~~ report of death ~~certificate~~ is not available within the time prescribed for filing of  
 428 the ~~certificate~~ report, the funeral director or person acting as such shall ~~file the certificate completed~~  
 429 ~~register the report~~ register the report with all information that is available. In all cases the medical certification must be  
 430 signed by the person responsible for such certification. If the cause of death is unknown, ~~or~~  
 431 undetermined, ~~or underpending investigation~~, this information will be recorded under cause of death e  
 432 cause of death shall be shown as such on the ~~certificate~~ report.

433 An amended ~~report of death certificate to~~ providing the information missing from the original certificate,  
 434 ~~having all other items completed and containing all required original signatures~~ shall be ~~signed and~~  
 435 ~~registered filed with the State Registrar or~~ as ~~otherwise~~ directed by the State Registrar ~~as soon as~~  
 436 ~~possible, but in all cases~~ within ~~90~~30 days of the date the death occurred ~~unless otherwise authorized by~~  
 437 ~~the State Registrar~~. The death certificate shall be marked "Amended."

#### 438 SECTION 6.2 Hospital or Institution May Assist in Preparation of Certificate

439 When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the  
 440 coroner, the person in charge of such institution, or ~~his~~ ~~their~~ designated representative, may initiate the  
 441 ~~preparation of the death certificate~~ ~~report~~ as follows:

442 ~~A. (a)~~ Placing the full name of the decedent and the date, time and place of death on the death  
 443 certificate and obtain from the attending physician the medical certification of cause of death and  
 444 the physician's signature; ~~and~~

445 ~~B. (b)~~ Present the partially completed death certificate to the funeral director or person acting as  
 446 such.

#### 447 SECTION 6.3 Persons Required to Keep Death Records

448 Each funeral director shall keep a record containing, at a minimum, the following information about each  
 449 dead body or fetus the funeral director handles:

450 A. The date, place, and time of receipt;

451 B. The date, place, and manner of disposition;

452 C. If the dead body or fetus is delivered to another funeral director, the date of such delivery and the  
 453 name and address of the funeral director to whom delivered; and

454 D. The items required by the certificate of death for those deaths for which the funeral director was  
 455 required to file the certificate.

#### 456 SECTION 7 DELAYED REGISTRATION OF DEATH ~~(25-2-114)~~

457 The registration of a death after the time prescribed by statute and regulations shall be registered ~~on the~~  
 458 ~~regular certificate of death in the~~ form ~~and in the~~ manner prescribed below:

459 A. ~~(a)~~ — If the attending physician or coroner at the time of death and the attending funeral  
 460 director or person who acted as such are available to complete and sign the certificate of death, it  
 461 may be completed without additional evidence and filed with the State Registrar. For those  
 462 certificates filed one year or more after the date of death, the physician or coroner and the funeral  
 463 director or person who acted as such must state in accompanying affidavits that the information  
 464 on the ~~certificate record~~ is based on records kept in their files.

465 B. ~~(b)~~ — In the absence of the attending physician or coroner and the funeral director or person  
 466 who acted as such, the ~~certificate report~~ may be filed by the next of kin of the decedent and shall  
 467 be accompanied by:

468 1. ~~(1)~~ — A ~~signed and notarized~~ affidavit of the person filing the ~~certificate report~~  
 469 ~~affirming~~ ~~wearing to~~ the accuracy of the information on the ~~certificate report, and;~~

470 2. ~~(2)~~ — Two documents ~~that which~~ identify the decedent, and ~~their~~ ~~his~~ date and place of  
 471 death.

472 In all cases, the State Registrar may require additional documentary evidence to prove the facts  
473 of death.

474 A summary statement of the evidence submitted in support of the delayed registration shall be endorsed  
475 on the certificate.

#### **476 SECTION 8 — OTHER AMENDMENTS TO ANY VITAL EVENT RECORD OR CERTIFICATE**

477 A. ~~All items of a medical nature may be amended only upon receipt of a signed statement from~~  
478 ~~those persons responsible for the completion of such items. The State Registrar may require~~  
479 ~~documentary evidence to substantiate the requested amendment.~~

480

481 B. ~~The State Register may authorize other amendments not expressly stated herein when such~~  
482 ~~amendments are authorized by statute, do not conflict with the requirements delineated herein,~~  
483 ~~and can be accomplished in the form and manner necessary to maintain the integrity of the vital~~  
484 ~~event record certificate B.~~

#### **485 SECTION 8 FINAL DISPOSITION OF A BODY OR DEAD FETUS**

##### **486 SECTION 8.1 Authorization for Final Disposition of the Body**

487 The office designated or established pursuant to Section 25-2-103, C.R.S. in the county where the death  
488 occurred ~~or, if such an office does not exist in the county where the death occurred, the coroner or the~~  
489 ~~coroner's designee in the county where the death occurred~~ shall authorize final disposition of the body in  
490 ~~the~~ a form and manner prescribed ~~and furnished~~ by the State Registrar if:

491 A. ~~(a)~~ — The funeral director or person acting as such presents a report of death  
492 ~~certificate which that~~ is fully and properly completed and includes all medical information and is  
493 signed by the physician or coroner; or

494 B. ~~(b)~~ — The funeral director or person acting as such presents a report of death certificate which  
495 ~~that~~ lists the cause of death as "pending" but which is otherwise fully and properly completed and  
496 is signed by the physician or coroner; ~~or~~

497 ~~(c) The coroner of the county where the death occurred authorizes final disposition and a copy of the~~  
498 ~~completed final disposition permit is sent to the State Registrar or his designee; or (d) — The~~  
499 ~~State Registrar authorizes final disposition of the body.~~

##### **500 SECTION 8.2 State Anatomical Board**

501 Acceptance of a dead body by a representative of the State Anatomical Board shall be considered final  
502 disposition and shall be noted as "Removal-Donation" as the type of disposition on the report of death  
503 ~~certificate~~. If there was no funeral director or person acting as such, the report of death certificate shall be  
504 filed-registered and a final disposition permit shall be obtained by a representative of the State Anatomical  
505 Board from ~~t~~he State Registrar or as otherwise directed by the State Registrar within five days after such  
506 death occurs.

##### **507 SECTION 89.3 Disposition of a Dead Fetus by a Hospital**

508 Disposition by a licensed hospital, including those with a subcontract with a funeral home or crematory, of  
509 the remains of a dead fetus may be made without issuance of a final disposition permit but authorization  
510 of the parent(s) must be obtained.

511

**512 SECTION 8.4 Handling of Dead Body**

513 A dead body kept more than twenty-four hours before burial or cremation shall be embalmed or properly  
514 refrigerated. If a deceased person had a communicable disease at the time of death, the funeral director  
515 or person acting as such shall be so notified by the hospital or the attending physician, and the funeral  
516 director or person acting as such shall consult with the local or state health officer concerning disposition  
517 of the body and shall follow the precautions indicated by the health officer.

518 A dead body shipped by common carrier shall be enclosed in a strong, tightly sealed container which will  
519 prevent the leakage of fluids or odor.

**520 SECTION 8.5 Permit to Accompany Remains**

521 A final disposition permit shall accompany the remains to their destination. The funeral director or person  
522 acting as such also shall observe requirements of the common carrier pertaining to transportation of dead  
523 bodies.

**524 SECTION 8.6 Disinterment and Reinterment**

525 The disinterment and reinterment permit shall be authority for disinterment, transportation and  
526 reinterment, and no other permit need be obtained. This regulation shall not apply to movement of bodies  
527 within the boundaries of established cemeteries. Ashes of a dead body cremated by authorized means  
528 are not considered a dead body for the purposes of this paragraph. Coroners are not required to obtain  
529 such permit if the body will be reinterred within the boundaries of the cemetery after examination.

**530 SECTION 9 — AMENDMENT OF VITAL RECORDS (25-2-115)**

531 Section 9.1 — Amendment of Minor Errors on Birth Certificates During the First Year

532 ~~Amendment of obvious errors, omissions or transposition of letters in words of common knowledge may~~  
533 ~~be made by the State Registrar within the first year after the date of birth either upon his own observation~~  
534 ~~or query or upon request of a person with a direct and tangible interest in the certificate as defined in~~  
535 ~~Section 11. When such additions or minor amendments are made by the State Registrar, a notation as to~~  
536 ~~the source of the information, together with the date the change was made and the initials of the~~  
537 ~~authorized agent making the change shall be made on the certificate in such a way as not to become a~~  
538 ~~part of any certified copy issued. The certificate shall not be marked "Amended".~~

539 Section 9.2 — Acknowledgement of Paternity

540 ~~If the mother was not married at the time of conception or birth the name of the father shall be entered if~~  
541 ~~the mother and the person to be named as the father so request in writing on a form prescribed and~~  
542 ~~furnished by the State Registrar. The State Registrar shall first view the original birth certificate to~~  
543 ~~determine if the father's name may be added in accordance with 25-2-112(3) and if so shall provide the~~  
544 ~~proper form to the mother. The surname of the child may be specified as part of the acknowledgement of~~  
545 ~~paternity process.~~

546 Section 9.3 — All Other Amendments

547 ~~Unless otherwise provided in these regulations or in the statute, all other amendments to vital records~~  
548 ~~shall be supported by:~~

549 (a) — An affidavit setting forth:

550 (1) — Information to identify the certificate;

551 (2) — The incorrect item as it is listed on the certificate; and

552 (3) — The correct item as it should appear.

553 (b) — One or more items of documentary evidence which support the alleged facts and which  
554 were established at least five years prior to the date of application for amendment or  
555 within seven years of the date of the event.

556 The State Registrar shall evaluate the evidence submitted in support of any amendment, and when he  
557 finds reason to doubt its validity or adequacy, the amendment may be rejected and the applicant advised  
558 of the reasons for the action.

#### 559 Section 9.4 — Who May Apply

560 (a) — To amend a birth certificate, application may be made by one of the parents, a legal  
561 guardian, the individual responsible for filing the certificate, or a legal representative if the  
562 registrant is less than 18 years of age. If the registrant is 18 years of age or over, the  
563 application must be made by the registrant or his legal representative.

564 (b) — To amend a death certificate, application may be made by the next of kin or the funeral  
565 director or person acting as such who signed the death certificate. Applications to amend  
566 the medical certification of cause of death shall be made only by the physician or coroner  
567 who signed the medical certification in which case an amended certificate must be filed.

#### 568 Section 9.5 — Amendment of Registrant's Given Names on Birth Certificates Within the First Year

569 Until the registrant's first birthday, given names may be amended upon written request of:

570 (a) — Both parents, or

571 (b) — The mother in the case of a child born out of wedlock, or

572 (c) — The father in the case of the death or incapacity of the mother, or

573 (d) — The mother in the case of the death or incapacity of the father, or

574 (e) — The guardian or agency having legal custody of the registrant.

575 After one year from the date of birth the provisions of Section 9.2 must be followed to amend a given  
576 name if the name was entered incorrectly on the birth certificate. A legal change of name order must be  
577 submitted from a court of competent jurisdiction to change a given name after one year.

#### 578 Section 9.6 — Medical Items

579 All items of a medical nature may be amended only upon receipt of a signed statement from those  
580 persons responsible for the completion of such items. The State Registrar may require documentary  
581 evidence to substantiate the requested amendment.

#### 582 Section 9.7 — Amendment of the Same Item More than Once

583 Once an amendment of an item is made on a vital record, that item shall not be amended again except  
584 upon determination of good cause by the State Registrar.

#### 585 Section 9.8 — Methods of Amending Certificates

586 Certificates of birth and death may be amended by the State registrar in the following manner:

~~587 (a) — Preparing a new certificate showing the correct information when the State Registrar  
588 deems that the nature of the amendment so requires. The new certificate shall be  
589 prepared on the form used for registering current events at the time of amendment.  
590 Except as provided elsewhere in these regulations, the item number of the entry that was  
591 amended shall be identified on the new certificate. In all cases, the new certificate shall  
592 show the date the amendment was made and be given the same state file number as the  
593 existing certificate. Signatures appearing on the existing certificate shall be typed on the  
594 new certificate.~~

~~595 (b) — Completing the item in any case where the item was left blank on the existing certificate.~~

~~596 (c) — Drawing a single line through the item to be amended and inserting the correct data  
597 immediately above or to the side thereof. The line drawn through the original entry shall  
598 not obliterate such entry.~~

~~599 (d) — A certificate of birth amended pursuant to the provisions of 25-2-115(4) shall be amended  
600 by preparing a new certificate. The item number relating to the sex of the registrant that  
601 was amended shall not be identified on the new certificate or on any certified copies of  
602 the certificate that may be issued.~~

~~603 In all cases, there shall be inserted on the certificate a statement identifying the affidavit and documentary  
604 evidence used as proof of the correct facts, the date the amendment was made, and the initials of the  
605 person making the change. As required by statute or regulation, the certificate shall be marked  
606 "Amended".~~

## ~~607 SECTION 409 RECORD PRESERVATION AND RELEASE~~

### ~~608 SECTION 940.1 Record preservation and destruction~~

~~609 When an authorized reproduction of a vital record has been properly prepared by the State Registrar and  
610 when all steps have been taken to insure the continued preservation of the information, the record from  
611 which such authorized reproduction was made may be disposed of by the State Registrar. Such record  
612 may not be disposed of, however, until the quality of the authorized reproduction has been tested to  
613 insure that acceptable certified copies can be issued and until a security copy of such document has  
614 been placed in a secure location removed from the building where the authorized reproduction is housed.~~

~~615 The State Registrar shall offer the original documents from which the authorized reproductions are made  
616 to the State Archives. The State Archives may be allowed to retain permanently such records provided  
617 they adhere to the restrictions in the vital statistics law related to access to such records. If the State  
618 Archivist does not wish to place such records in his files, the State Registrar shall be authorized to  
619 destroy the documents. Such destruction shall be by approved methods for disposition of confidential or  
620 sensitive documents.~~

### ~~621 SECTION 940.2 Disclosure of Records~~

~~622 To protect the integrity of vital records:~~

~~623 A. (a) — The State Registrar or other custodians of vital records shall not permit  
624 inspection of, or disclose information contained in, vital statistics records, or copy or issue a copy  
625 of all or part of any such record unless he is satisfied that the applicant has a direct and tangible  
626 interest in such record~~

~~627 B. (1) — The registrant, a member of his immediate family, his legal guardian, or their  
628 respective legal representatives shall be considered to have a direct and tangible interest. Others  
629 may demonstrate a direct and tangible interest when information is needed for determination or  
630 protection of a personal or property right.~~

- 631 C. (2) ~~\_\_\_\_\_ The term “legal representative” shall include an attorney, physician, funeral~~  
632 ~~director, or other authorized agent acting on behalf of the registrant or his family.~~
- 633 D.A. \_\_\_\_\_ (3) ~~\_\_\_\_\_ The natural parents of adopted children, when neither has custody, and~~  
634 ~~commercial firms or agencies requesting listings of names and addresses shall not be considered~~  
635 ~~to have a direct and tangible interest.~~
- 636 E.B. \_\_\_\_\_ (b) ~~\_\_\_\_\_ The State Registrar may permit the use of data from vital statistics~~  
637 ~~records for statistical or research purposes, subject to such conditions as the State Registrar may~~  
638 ~~impose. No data shall be furnished from records for research purposes until the State Registrar~~  
639 ~~has prepared in writing, the conditions under which the records or data will be used and received~~  
640 ~~an agreement signed by a responsible agent of the research organization agreeing to conform to~~  
641 ~~such conditions.~~
- 642 F.C. \_\_\_\_\_ (c) ~~\_\_\_\_\_ The State Registrar or the local custodian may disclose data from a vital~~  
643 ~~statistics record to federal, state, county, or municipal agencies of government, or designees of~~  
644 ~~such agencies of government, that which request such data in the conduct of their official duties,~~  
645 ~~or any other agency that demonstrates it is acting in the interest of the registrant.~~
- 646 G.D. \_\_\_\_\_ ~~\_\_\_\_\_ The State Registrar or the local custodian may disclose data from vital statistics~~  
647 ~~records to the extent necessary for the treatment, control, investigation, and prevention of~~  
648 ~~diseases and conditions dangerous to the public health. Every effort shall be made to limit~~  
649 ~~disclosure of protected health information or personal identifying information to the minimal~~  
650 ~~amount necessary to accomplish the public health purpose.~~
- 651 H. (d) ~~\_\_\_\_\_ Information from vital statistics records indicating a birth out of wedlock may be~~  
652 ~~disclosed only if it can be shown that disclosure of the information will be of benefit to the~~  
653 ~~registrant.~~
- 654 I.E. (e) ~~\_\_\_\_\_ The State Registrar or local custodian shall not issue a certified copy of a record~~  
655 ~~until a signed application has been received from the applicant. Whenever it shall be deemed~~  
656 ~~necessary to establish an applicant’s right to information from a vital record, the State Registrar or~~  
657 ~~local custodian may also require identification of the applicant or a sworn statement. Other~~  
658 ~~procedures may be established by the State Registrar.~~
- 659 J.F. (f) ~~\_\_\_\_\_ Nothing in this Section shall be construed to permit disclosure of information~~  
660 ~~contained in the “Information for Medical and Health Use Only” section of the birth certificate~~  
661 ~~unless specifically authorized by the State Registrar for statistical or research purposes or if~~  
662 ~~authorized by a court of competent jurisdiction.~~
- 663 (c) ~~\_\_\_\_\_ Confidential verification of the facts contained in a vital record may be furnished by the State~~  
664 ~~Registrar to any federal, state, county, or municipal government agency or to any other agency~~  
665 ~~representing the interest of the registrant, subject to the limitations as indicated in (a) above.~~  
666 ~~Such confidential verifications shall be on forms prescribed and furnished by the State Registrar~~  
667 ~~or on forms furnished by the requesting agency and acceptable to the State Registrar; or the~~  
668 ~~State Registrar may authorize the verification in other ways when it shall prove in the best~~  
669 ~~interests of his office.~~

670 **SECTION 13 — PERSONS REQUIRED TO KEEP RECORDS (25-2-114)**

671 Each funeral director shall keep a record containing, at a minimum, the following information about each  
672 dead body or fetus the funeral director handles:

- 673 (a) ~~\_\_\_\_\_ The date, place, and time of receipt;~~
- 674 (b) ~~\_\_\_\_\_ The date, place, and manner of disposition;~~

675 (c) ~~If the dead body or fetus is delivered to another funeral director, the date of such delivery~~  
676 ~~and the name and address of the funeral director to whom delivered; and~~

677 (d) ~~The items required by the certificate of death for those deaths for which the funeral~~  
678 ~~director was required to file the certificate.~~

679 **SECTION 1044 STATISTICAL REPORTS REQUIRED ~~(25-2-116)~~**

680 Spontaneous fetal death means the expulsion or extraction of a product of human conception resulting in  
681 other than a live birth and which is not an induced termination of pregnancy.

682 Induced termination of pregnancy means the purposeful interruption of pregnancy with the intention other  
683 than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

684 Each spontaneous fetal death of 20 completed weeks gestation or more which occurs in this State, shall  
685 be reported directly to the State Registrar on the form prescribed and furnished by the State Registrar.  
686 The funeral director or person acting as such or a licensed hospital, if the dead fetus was delivered and  
687 final disposition occurred in a hospital, shall complete and file a Certificate of Fetal Death within five days  
688 after delivery.

689 Spontaneous fetal deaths of less than 20 completed weeks gestation and each induced termination of  
690 pregnancy which occurs in this State, regardless of the length of gestation, shall be reported directly to  
691 the State Registrar on the prescribed Report of Spontaneous or Induced Abortion within five days by the  
692 person in charge of the institution in which the event occurred. If the induced termination of pregnancy  
693 was performed outside an institution, the attending physician or his designee shall prepare and file the  
694 report.

695 Reports of spontaneous fetal deaths of less than 20 completed weeks gestation and all reports of induced  
696 termination of pregnancy are to be used only for compilation of statistical reports and are not to be  
697 incorporated into the official records of the office of the State Registrar. The State Registrar is authorized  
698 to dispose of such reports when all statistical processing of the records has been accomplished.

699 All reports required under this Section 104 are considered to be vital statistics records subject to the  
700 confidentiality provisions of 25-2-117 CRS and Section 44-9.2 of these rules.

701 **SECTION 11245 MATCHING OF BIRTH AND DEATH CERTIFICATES**

702 To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased  
703 persons, the State Registrar shall establish a program to match death certificates with the corresponding  
704 birth certificates. This will be done for all deaths occurring in Colorado within the first year of life, at a  
705 minimum. Records will be matched for Colorado residents and births occurring in Colorado to the extent  
706 possible upon receipt of appropriate records from other states where the deaths occurred. Written  
707 guidelines shall be established which provide the standards for determining that a match does exist.

708 The date of death, the state where the death occurred, and the death certificate number shall be posted  
709 to the birth certificate.

710 **SECTION 12326 COLORADO VOLUNTARY ADOPTION REGISTRY ~~(25-2-113.5)~~**

711 **Section 12326.1 Authority and Purpose for Establishing Rules and Regulations**

712 ~~These regulations are being promulgated pursuant to CRS 1973, Section 25-2-113.5, C.R.S. which states:~~

713 "A birth parent shall not be matched with the qualified adult adoptee without the consent of the  
714 other birth parent unless:

- 715 (a) There is only one birth parent listed on the birth certificate; or  
 716 (b) The other birth parent is deceased; or  
 717 (c) The other birth parent is unable to be located by the Department of [Public Health](#)  
 718 [and Environment](#) after an exhaustive search, the cost of said search to be fully  
 719 funded by the birth parent seeking a match, said search to be in accordance with  
 720 the rules and regulations promulgated by the department.” ~~(Emphasis added.)~~

~~721 The purpose of these regulations is to establish rules governing the conduct of searches. If the second  
 722 birth parent is located, he will be advised of the adoptee's request for identifying information. If  
 723 the birth parent does not consent, the Department of Health shall not exchange current identifying  
 724 information between the adult adoptee and the seeking birth parent.~~

725 **Section 12326.2 [Search Procedures to Locate a Second Birth Parent](#)**

726 The search shall be conducted by the State Registrar ~~of Vital Statistics or his agent~~. To maintain  
 727 confidentiality, the State Registrar ~~or his agent~~ shall not divulge the reason for the inquiry to any person  
 728 except the second birth parent.

729 Based on information from the birth parent seeking a match as well as information in the State Registrar's  
 730 sealed file, the State Registrar shall perform, at a minimum, the following procedures to locate the second  
 731 birth parent:

- 732 A. ~~(a)~~ If the birth parent is presumed dead, death records in those state(s) where the death may  
 733 have occurred must be checked.
- 734 B. ~~(b)~~ Colorado motor vehicle records, e.g., car registration and driver's license records, in states  
 735 where the birth parent was presumed to have resided must be checked.
- 736 C. ~~(c)~~ Birth records in the state where the birth parent was born must be checked.
- 737 ~~D. (d) Directories of towns where the birth parent was presumed to have resided must be checked.~~
- 738 ~~E.D. (e)~~ The Index of Marriages and Divorces in the Colorado State Registrar's office and  
 739 the county clerk's office must be checked.
- 740 ~~(f) The Social Security Administration and Veteran's Administration must be contacted.~~
- 741 ~~(g) The adoption agency that placed the adoptee must be contacted,~~
- 742 ~~(h) The Colorado court that handled the adoption must be contacted.~~
- 743 ~~(i) The hospital where the adoptee was born must be contacted.~~

744 Efforts to locate the second birth parent will occur ~~The referenced agencies will be contacted by the State~~  
 745 ~~Registrar~~ within 30 days of the initial match between the adult adoptee and seeking birth parent. The  
 746 State Registrar will await responses to inquiries for at least 60 days. If the second birth parent has not  
 747 been located within 90 days of the initial match, the State Registrar shall exchange the current identifying  
 748 information between the adult adoptee and the seeking birth parent. If the second parent is located, they  
 749 will be advised of the adoptee's request for identifying information. If the birth parent does not consent,  
 750 the Department of Public Health and Environment shall not exchange current identifying information  
 751 between the adult adoptee and the seeking birth parent through the voluntary adoption registry.

752

753 **Section 1~~2326~~.3** **Fees Schedule**

754 The birth parent seeking the match shall be charged the full cost of ~~the employee performing the doing~~  
755 ~~said search~~ including plus actual expenses including long distance for phone charges and fees incurred to  
756 perform the search ~~charged by other states for vital records and searches.~~  
757