

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Center for Health and Environmental Data

VITAL STATISTICS

5 CCR 1006-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on August 21, 2024

SECTION 1 AUTHORITY AND PURPOSE FOR ESTABLISHING RULES AND REGULATIONS

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

The purpose of these regulations is to establish requirements for the administration of Colorado's vital statistics system.

SECTION 2 DEFINITIONS, DESIGNATION OF OFFICES, SUBMISSION, USE, AND DISTRIBUTION OF VITAL STATISTICS RECORDS

SECTION 2.1 Definitions

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

- A. “Certificate” means a certified copy of the vital event record, whether in paper or electronic form.
- B. “Legal representative” means an attorney, physician, or funeral director, as applicable, acting on behalf of the registrant or their family.
- C. “Next of kin” means a person's closest living relative or relatives and those who, under Colorado law, have legal authority over the disposition of human remains, see Section 12-54-102(17), C.R.S.
- D. “Person with a direct and tangible interest” means any of the following:
 - the registrant,
 - the registrant's Relative,
 - the registrant's legal guardian, conservator, or custodian,
 - respective legal representatives for any of the above, or,
 - individuals who need a certificate for determination or protection of a personal or property right, or for genealogical purposes.

Person with a direct and tangible interest does not include:

- any birth parent of an adopted child seeking a birth record for the adopted child when the birth parent does not have custody;
- an adopted child seeking a birth record for a birth relative whose parental rights have been relinquished and/or terminated; and
- commercial firms or agencies requesting listings of names and addresses.

E. "Qualified individual" means a physician, their associate physician, the chief medical officer of the institution in which the death occurred, or the physician who performs an autopsy of the decedent who is responsible for the medical certification for a report of death, except as provided in Section 12.

F. "Record" means a registered vital event reported, updated, and stored within the files of the Office of the State Registrar of Vital Statistics and designated offices, whether in paper or electronic form.

G. "Relative" means an individual's spouse, parent, stepparent, sibling, half-sibling, child, and stepchild, with whom the individual's legal relationship has not been severed.

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

I. "State Registrar" means the State Registrar established in section 25-2-103, C.R.S. who leads the Office of the State Registrar of Vital Statistics or their designee.

J. "Vital event" means an event recognized under Colorado law as statistically significant. These include, but are not limited to birth, marriage, civil union, adoption, dissolution, or nullification of marriage, dissolution, or nullification of civil union, parentage determination, change of name, change of sex, death, and any data related thereto which have been accepted for registration and incorporated into the official records and certificates.

SECTION 2.2 Designation of Additional Offices (Section 25-2-103(5), (6), C.R.S.)

A. The State Registrar shall determine whether offices other than the Office of the State Registrar of Vital Statistics and organized local health departments established pursuant to section 25-2-103(5), (6), C.R.S. are needed to aid in the efficient administration of the system of vital statistics. Such determination shall be based on an evaluation of the most efficient method to meet the needs of the people of this state with respect to the establishment and operation of the system of vital statistics.

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

- C. Employees and individuals operating in the state or local offices will comply with vital statistics statutes and regulations; and the policies, processes, and procedures established by the State Registrar, including attendance at periodic meetings as required by the State Registrar. The State Registrar may require state and local offices to assess and document performance measures and costs associated with administration of vital statistics.

SECTION 2.3 Submission, Use, and Distribution of Vital Statistics Information (Section 25-2-105, C.R.S.)

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

SECTION 2.4 General Requirements for Preparing Certificates (Section 25-2-102, C.R.S.)

- A. Those registering vital events will use the current version of the electronic registration system approved by the State Registrar, except a parent registering an unattended birth, a family member of the decedent, or other individual acting in a non-professional capacity as the funeral director for the decedent as provided in section 25-2-110, C.R.S., and shall proceed pursuant to section 2.4(B) of these rules. Additional exceptions may be granted on a case-by-case basis by submitting a request to the State Registrar and providing reason(s) that prohibit(s) use of the electronic system.

- B. A family member of the decedent or other individual acting in a non-professional capacity as the funeral director for the decedent shall submit the report of death using a letter-quality printer or hand-written legibly in black, unfading ink.

- C. Unless otherwise directed by the State Registrar, no report shall be complete and correct and acceptable for registration if it:

1. Does not have the certifier's name typed or printed legibly under their signature;
2. Does not supply all items of information called for thereon or satisfactorily account for their omissions;
3. Contains alterations or erasures;
4. Does not contain handwritten or electronic signature as required;
5. Is marked "copy" or "duplicate";
6. Is a carbon copy;
7. Contains improper or inconsistent data;
8. Contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease;
9. Is not prepared in the form and manner prescribed by state statute, these rules, and the State Registrar; or
10. Contains non-English characters or symbols.

D. Full or short form certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the "Information for Medical and Health Use Only" section of the birth certificate shall not be included. When a certified copy is issued, each certificate shall be certified as a true copy by the State Registrar, and shall include the date issued, the name of the issuing officer, the State Registrar's signature, or an authorized facsimile thereof, and the seal of the issuing office.

E. When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, the State Registrar has the authority to withhold the issuance of a certified copy of such certificate until additional evidence satisfactory to the State Registrar has been obtained or until a court determination of the facts has been made.

SECTION 3 HEIRLOOM CERTIFICATES – FEE (Section 25-22-122, C.R.S.)

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

SECTION 4 REGISTRATION OF BIRTH

SECTION 4.1 Sex Designation (Section 25-2-113.8, C.R.S.)

A report of birth, filed with the State Registrar, must be completed in accordance with the information required by the National Center for Health Statistics in the Centers for Disease Control and Prevention in the federal department of Health and Human Services.

An amended birth certificate may be issued to change the sex designation of the person to male, female, or "X" pursuant to the requirements of this Section 5.5. "X" is a designation that is neither male nor female.

SECTION 4.2 Delayed Registration of Birth (Section 25-2-114, C.R.S.)

Any birth registered 1 year or more after 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 apply for registration of a delayed report of birth.

2. If an individual is under 18 years of age, the application to register 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, legal 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 applicant for 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. Current legal name of the registrant;

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

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

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

f. Attestation that no live birth record exists in any other state or country

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

a. One document showing name;

b. Two documents proving birthdate or age (at least one showing actual birthdate);

c. Two documents proving birthplace; and,

d. One document proving parentage.

~~At least one of the documents identified above must have been created during the first 10 years of life.~~ One document may be a sworn, notarized affidavit. Any document presented which is not a sworn, notarized affidavit of personal knowledge shall have been established at least 10 years prior to the date the birth record is requested under this paragraph or shall have been established before the registrant's 10th birthday

3. The State Registrar may require additional evidence in support of the facts of birth and/or an explanation of why the report of birth was not registered within the required 10 days.

C. The State Registrar shall determine the acceptability of all documentary evidence submitted. All documents must be internally consistent. Each document must be verifiable and originate from a separate source and must be in the form of the original record, a duly certified copy thereof, or a signed statement from the custodian of the record or document. Documents may include, but are not limited to:

1. Census records;

2. Hospital records;

3. Military records;

4. Social security records;

5. Voter registration records;

6. School records; or

7. Other official, verifiable documents as determined acceptable at the State Registrar's discretion pursuant to section 25-2-114(2), C.R.S.

D. The submission and documentation shall be reviewed and upon approval, the birth shall be registered. Original documents submitted in support of the delayed birth registration shall be returned to the applicant.

E. 1. The State Registrar, or their designee, shall, by signature, certify that no prior birth certificate is on file for the person in Colorado or any other vital record jurisdiction whose birth is to be recorded, that the evidence submitted has been reviewed and abstracted, and that the documentation establishes the facts of birth.

2. Births registered after 10 days, but within one year from the date of birth, shall not be marked "delayed."

F. When an application to register a delayed report of birth is denied, the State Registrar shall issue notice advising the applicant of the basis for the denial and the applicant's right to appeal as provided in Section 25-2-114(2), C.R.S.

G. Applications to register a delayed report of birth which have not been completed by the applicant within one year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and all original documents submitted in support of such registration shall be returned to the applicant.

SECTION 5 AMENDING RECORDS OR CERTIFICATES

SECTION 5.1 General Requirements for Amending Records or Certificates (Section 25-2-115, C.R.S.)

A. 1. If the registrant is less than 18 years of age, an application to amend a birth record may be made by the following:

a. one of the registrant's parents,

b. the registrant's legal guardian,

c. the individual responsible for filing the registrant's record,

d. an attorney acting on behalf of a person authorized under this rule, or

e. an agent acting on the registrant's behalf under power of attorney.

2. If the registrant is 18 years of age or over, an application to amend a birth record must be made by one of the following:

a. the registrant,

b. their attorney, or an agent acting under power of attorney.

3. Unless expressly stated elsewhere in this rule, only a funeral director, coroner, physician, local registrar, health facility, next of kin, or legal representative may request to amend a death record. Applications to amend the medical certification of cause of death shall be made only by the physician or coroner who signed the medical certification, in which case an amended death record must be filed. No birth record of a deceased registrant shall be amended without a court order.

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

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

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

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

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

- E. 1. Certificates shall only be amended to the extent necessary to modify the information included in the application or court order. The remainder of the information shown on the original certificate shall remain unchanged. The certificate will be identified as "amended" or "delayed" when required by law.

2. When a registrant's sex designation is amended pursuant to Section 5.5, a new certificate is issued. The new certificate will not be marked as amended or otherwise indicate that the gender designation or any name change accompanying the gender designation change occurred.

- F. Judicial review of the action of the State Registrar may be had in accordance with the provisions of section 24-4-106, C.R.S.; provided, however, any action for judicial review shall be commenced within 60 days after the date the State Registrar gives written notice of a decision.

SECTION 5.2 New Certificates of Birth to Amend Parentage (Section 25-2-113, C.R.S.)

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

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

- a. A certified copy of a court order issued pursuant to section 25-2-113, C.R.S., or
b. A certified copy of a court report or order concerning the adoption or parentage of such a person from a court of competent jurisdiction outside this state.

If the surname of the child is not established in the court order, the request for a new certificate shall specify the surname to be placed on the record.

2. A request from a birth mother and second parent who marry after the birth of a child, a certificate of marriage, and a sworn and notarized statement of parentage signed by the birth parents. If the existing certificate includes the names of both parents, a new record may only be prepared when a determination of parentage is made by a court of competent jurisdiction. An order of divorce that does not include a determination of parentage cannot be used to establish parentage.

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

B. A new certificate of birth will not be prepared for an adoption if the court that has ordered the adoption, an adoptive parent, or the adopted person requests that no new certificate be prepared.

C. In addition to the requirements of Section 5.1, the requesting party shall provide the information necessary to locate the existing record and such other information necessary to complete the certificate, such as:

1. The name of the child;
2. The date and place of birth as transcribed from the original record;
3. The names and personal particulars of the adoptive parents or of the parents listed on the original birth record, whichever is appropriate;
4. The birth number assigned to the original birth record;
5. The original filing date.

SECTION 5.3 Amendment of Minor Errors on Birth Records Within the First Year (Section 25-2-115(1), C.R.S.)

The State Registrar may amend obvious errors, omissions, or transposition of letters in words of common knowledge within the first year after the date of birth at the State Registrar's discretion, or upon request of a person with a direct and tangible interest in the record as defined in Section 2.1.D. Such additions or minor amendments shall be accompanied by a notation of the source of the information, the date of amendment, and the initials of the State Registrar making the change, but the notation shall not become a part of any certificate issued. The certificate shall not be marked "Amended."

SECTION 5.4 Amendment of Registrant's Name(s) in Birth Records (Section 25-2-115(1), C.R.S.)

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

1. Both parents,
2. The mother, when no second parent is listed,
3. The father, in the case of the death or incapacity of the mother,
4. The mother, in the case of the death or incapacity of the father,
5. The legal guardian or legal custodian of the registrant, or
6. A parent, in the absence of a second parent.

B. After one year from the date of birth, if the name was entered incorrectly in the birth record, the provisions of Section 5.2 must be followed to amend a given name.

C. To change a given name after one year, a legal change of name order must be submitted from a court of competent jurisdiction.

SECTION 5.5 Amendment of Sex Designation (Section 25-2-113.8, C.R.S.)

Before changing the sex designation in the birth record, the State Registrar must:

- 295 A. Confirm the registrant is eighteen years of age or older, or an emancipated minor, or, if the
296 registrant is under the age of eighteen, the person requesting the amendment is a parent on the
297 birth record, a legal guardian, or legal representative.
- 298 B. Confirm the name in the birth record and the name of the individual for whom the amendment is
299 requested match, or can be linked through the submitted documentation in instances such as
300 where the registrant is changing their name and sex designation at the same time, and
- 301 C. A request for a change in the sex designation in a birth record shall include:
- 302 1. a certified copy of an order of a court of competent jurisdiction changing the sex of the
303 applicant, or
- 304 2. Each of the following, as applicable:
- 305 a. A written request from the person, or if the person is a minor, from the person's
306 parent, legal guardian, or legal representative, signed under penalty of law, to
307 issue a new birth certificate with a gender designation that differs from the sex
308 designated on the person's original birth certificate; and,
- 309 b. A statement, in a form or format designated by the State Registrar, from the
310 person or if the person is a minor, from the person's parent, legal guardian or
311 legal representative, signed under penalty of law, confirming the sex designation
312 on the person's birth certificate does not align with the person's gender identity;
313 and,
- 314 c. If the person is a minor under the age of eighteen, a statement, in a form or
315 format designated by the State Registrar, signed under penalty of law, from a
316 professional medical or mental health care provider licensed in good standing in
317 Colorado or an equivalent license in good standing from another jurisdiction, that
318 the sex designation in the birth record does not align with the minor's gender
319 identity.
- 320 3. The State Registrar shall change the sex designation pursuant to a request made under
321 Section 5.5(C)(2) only once during an individual's lifetime. Any further amendment to the
322 sex designation in a birth record shall be made only pursuant to a court order in
323 accordance with Section 5.5(C)(1).
- 324 4. Pursuant to section 25-2-113.8(7), C.R.S., if a new birth certificate is issued pursuant to
325 this Section 5.5, and appropriate documentation of the name change is submitted with
326 the request for amendment of sex designation, the certificate will also be amended to
327 reflect any legal name change made prior to or contemporaneously with the change in
328 gender designation.

329 **SECTION 5.6 OTHER AMENDMENTS TO ANY VITAL EVENT RECORD**

- 330 A. All information of a medical nature may be amended only upon receipt of a signed statement from
331 the person(s) responsible for providing such information. The State Registrar may require
332 documentary evidence to substantiate the requested amendment.
- 333 B. The State Register may authorize other amendments not expressly stated herein, when such
334 amendments are authorized by statute, do not conflict with the requirements herein, and can be
335 accomplished in the form and manner necessary to maintain the integrity of the vital event record.

336 **SECTION 6 DEATH REGISTRATION AND RECORDS (Section 25-2-110, C.R.S.)**

SECTION 6.1 Reporting, Acceptance of Incomplete Record, End of Life Options Act

- A. Except as provided in section 25-2-110, C.R.S., deaths shall be reported using the electronic death registration system authorized by the State Registrar.
- B. Pursuant to section 25-2-110, C.R.S., a certificate of death for each death, including a stillborn death, that occurs in Colorado, must be filed with the State Registrar, or as otherwise directed by the State Registrar, within seventy-two hours of assuming custody of a dead body, stillborn fetus, or dead fetus, and prior to final disposition, except:
1. when inquiry is required by subsection (5.5) of this section or any provision of section 30-10-606, C.R.S. other than section 30-10-606(1)(b), C.R.S., or
 2. when a coroner, a medical examiner, a forensic pathologist, or other qualified individual determines that additional time is necessary to make a proper inquiry to determine the cause and manner of death. In such a situation, the coroner, medical examiner, forensic pathologist, or other qualified individual shall complete and sign the certificate of death as soon as practicable.
- C. In all cases, the medical certification must be signed by the person responsible for such certification. If the cause of death is unknown, undetermined, or under investigation, this information will be recorded under cause of death in the report.
- D. Pursuant to section 25-48-109(2), C.R.S., when a death has occurred pursuant to the End-of-Life Options Act, the cause of death shall be listed as the underlying terminal illness and the death does not constitute grounds for post-mortem inquiry as described at section 30-10-606(1), C.R.S.
- E. If all the information necessary to complete a report of death is not available within the time prescribed for filing the report, the funeral director, or person acting as such, shall register the report with all information that is available.
- F. Within 90 days of the date of death, an amended report of death that provides the information missing from the original certificate shall be signed and registered as directed by the State Registrar, unless otherwise authorized by the State Registrar. The death certificate shall be marked "Amended."

SECTION 6.2 Hospital or Institution Reports of Death

When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the coroner, the person in charge of such institution, or their designated representative, may initiate the report of death:

- A. By placing the full name of the decedent and the date, time, and place of death on the death certificate and obtaining from the attending physician the medical certification of cause of death and the physician's signature; and
- B. By presenting the partially completed death certificate to the funeral director or person acting as such.

SECTION 6.3 Persons Required to Keep Death Records

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

- 377 A. The date, place, and time of receipt;
- 378 B. The date, place, and manner of disposition;
- 379 C. If the dead body or fetus is delivered to another funeral director, the date of such delivery and the
380 name and address of the funeral director to whom delivered; and
- 381 D. A funeral director responsible for reporting a death shall keep a record of the information required
382 to complete the certificate of death.

383 SECTION 7 DELAYED REGISTRATION OF DEATH (Section 25-2-114, C.R.S.)

384 The registration of a death after the time prescribed by statutes and regulations shall be registered in the
385 form and manner prescribed below:

- 386 A. If the attending physician or coroner at the time of death, and the attending funeral director or
387 person who acted as such, are available to complete and sign the certificate of death, it may be
388 completed without additional evidence and filed with the State Registrar. For those certificates
389 filed one year or more after the date of death, the physician or coroner, and the funeral director or
390 person who acted as such, must state in accompanying affidavits that the information on the
391 record is based on records kept in their files.
- 392 B. In the absence of the attending physician or coroner and the funeral director or person who acted
393 as such, the report may be filed by the Next of Kin of the decedent and shall be accompanied by:
- 394 1. A signed and notarized affidavit of the person filing the report affirming the accuracy of
395 the information in the report, and;
- 396 2. Two documents that identify the decedent, and the decedent's date and place of death.
- 397 C. Judicial review of the action of the State Registrar may be had in accordance with the provisions
398 of section 24-4-106, C.R.S.; provided, however, any action for judicial review shall be
399 commenced within 60 days after the date the State Registrar gives written notice of a decision.

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

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

403 SECTION 8 FINAL DISPOSITION OF A BODY OR DEAD FETUS (Section 25-2-111, C.R.S.)

404 SECTION 8.1 Authorization for Final Disposition of a Body

405 The State Registrar shall authorize final disposition of the body in the form and manner prescribed by the
406 State Registrar if:

- 407 A. The funeral director, or person acting as such, presents a report of death that is fully and properly
408 completed, includes all medical information, and is signed by the physician or coroner, or
- 409 B. The funeral director, or person acting as such, presents a report of death that lists the cause of
410 death as "pending investigation," but which is otherwise fully and properly completed, and is
411 signed by the physician or coroner.

412 SECTION 8.2 State Anatomical Board (Sections 15-19-301, 302, C.R.S.)

The State Anatomical Board's acceptance of a dead body shall be considered final disposition. In such cases, "Donation" shall be recorded in the report as the type of disposition. If no funeral director, or person acting as such, is responsible for reporting the death of the person whose body is accepted, a State Anatomical Board representative must register the death within 5 days from the date of death and obtain authorization for final disposition of the body as required by section 25-2-111(1), C.R.S.

SECTION 8.3 Disposition of a Dead Fetus by Hospital

Upon authorization by a parent for such disposition, licensed hospitals, including those with a subcontract with a funeral home or crematory, may make final disposition of the remains of a dead fetus without issuance of a final disposition permit.

SECTION 8.4 Handling of a Dead Body

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

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

SECTION 8.5 Permit to Accompany Human Remains

A final disposition permit shall be obtained prior to final disposition of any human remains, and the permit shall accompany the remains to final disposition or during transport out of state. The funeral director or person acting as such shall comply with Section 8.4 and the requirements of the common carrier for transportation of human remains.

SECTION 8.6 Disinterment and Reinterment

No dead body or fetus may be disinterred without first obtaining a permit from the State Registrar, unless

- A. a coroner is disinterring a body for purposes of examination, and the body will be reinterred within the boundaries of the original cemetery after examination; or
- B. the disinterment is for the purpose of moving a body within the boundaries of an established cemetery.

The State Registrar shall issue a permit upon proper application. The applicant shall ensure the permit accompanies the remains during disinterment, transportation, and reinterment, as applicable. No permit is required for movement or transport of ashes of a body cremated by authorized means.

SECTION 9 RECORD PRESERVATION AND RELEASE

SECTION 9.1 Record Preservation and Destruction

When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all steps have been taken to ensure the continued preservation of the information, the record from which such authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to

ensure that acceptable certified copies can be issued, and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed.

SECTION 9.2 Disclosure of Records

- A. The State Registrar or other custodians of vital records shall not permit inspection of, or disclose information contained in, vital statistics records, or copy or issue a copy of all or part of any such record except upon application to the State Registrar by one who has a direct and tangible interest in such record and submits a properly completed application.
- B. The State Registrar may permit the use of data from vital statistics records for statistical or research purposes, subject to such conditions as the State Registrar may impose. No data shall be furnished from records for research purposes until the State Registrar has prepared, in writing, the conditions under which the records or data will be used, and received an agreement signed by a responsible agent of the research organization agreeing to conform to such conditions.
- C. The State Registrar may disclose data from a vital statistics record to federal, state, county, or municipal agencies of government, or designees of such agencies of government, that request such data in the conduct of their official duties, or any other agency that demonstrates it is acting in the interest of the registrant.
- D. The State Registrar may disclose data from vital statistics records to the extent necessary for the treatment, control, investigation, and prevention of diseases and conditions dangerous to the public health. Every effort shall be made to limit disclosure of protected health information or personal identifying information to the minimal amount necessary to accomplish the public health purpose.
- E. The State Registrar or local custodian shall not issue a certified copy of a vital record until an applicant has submitted a properly completed application. Whenever it shall be deemed necessary to establish an applicant's right to information from a vital record, the State Registrar or local custodian may also require additional, legally valid verification of the identity of the applicant or a sworn, notarized statement. Other procedures for verifying lawful use of vital records may be established at the State Registrar's discretion.
- F. Nothing in this Section shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate unless specifically authorized by the State Registrar for statistical or research purposes, or if authorized by a court of competent jurisdiction.

SECTION 10 STATISTICAL REPORTS REQUIRED

SECTION 10.1 Definitions

- A. Spontaneous fetal death means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.
- B. Induced termination of pregnancy means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant, or to remove a dead fetus and which does not result in a live birth.

SECTION 10.2 Reporting

Within five days after delivery, the funeral director, or person acting as such, or a licensed hospital, if the dead fetus was delivered and final disposition occurred in a hospital, shall complete and file a Certificate

492 of Fetal Death for each spontaneous fetal death of 20 completed weeks of gestation or more which
493 occurs in this State.

494 Within five days of each spontaneous fetal death of less than 20 completed weeks gestation, and each
495 induced termination of pregnancy which occurs in this State, regardless of the length of gestation, the
496 event shall be reported to the State Registrar on the prescribed Report of Spontaneous or Induced
497 Abortion form by the person in charge of the institution in which the event occurred. If the induced
498 termination of pregnancy was performed outside an institution, the attending physician or his designee
499 shall prepare and submit the prescribed Report of Spontaneous or Induced Abortion form.

500 Reports of spontaneous fetal deaths of less than 20 completed weeks gestation and all reports of induced
501 termination of pregnancy shall be used only for compilation of statistical reports and are not to be
502 incorporated into the official records of the office of the State Registrar of Vital Statistics. The State
503 Registrar is authorized to dispose of such reports when all statistical processing of the records has been
504 accomplished.

505 All reports required under this Section 10 are considered to be vital statistics records subject to the
506 confidentiality provisions of section 25-2-117, C.R.S. and Section 9.2 of these rules.

507 **SECTION 11 MATCHING OF BIRTH AND DEATH CERTIFICATES**

508 To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased
509 persons, the State Registrar shall establish a program to match death certificates with the corresponding
510 birth certificates. At a minimum, record matching shall be performed for all deaths occurring in Colorado
511 within the first year of life. Records of deaths occurring in states other than Colorado shall be matched to
512 Colorado records to the extent possible based upon receipt of appropriate records from other states.

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

515 **SECTION 12 SEARCH PROCEDURES TO LOCATE A BIRTH PARENT (Section 25-2-113.5, C.R.S.)**

516 **SECTION 12.1 Definitions**

517 A. "Match" means the State Registrar's confirmation that information contained in vital statistics
518 records of birth for an adoptee match information contained in a vital statistics record of another
519 Qualified Individual(s).

520 B. "Notification" means the State Registrar's notification, in the manner consistent with the desired
521 method of notification identified by the Qualified Individual, to the Qualified Individual of a Match
522 between the information in a vital statistics record for the Qualified Individual and the vital
523 statistics record of another Qualified Individual.

524 C. "Qualified Individual" means a birth parent, so long as the birth parent's name appears on the
525 original birth record, adoptee, sibling, family member, or former foster child as defined at section
526 25-2-113.5, C.R.S.

527 D. "Search" means the regular review of confidential lists compiled by the State Registrar pursuant
528 to section 25-2-113.5 C.R.S.

529 **SECTION 12.2 Confidentiality**

530 To maintain confidentiality, for any Search conducted by the State Registrar, the State Registrar shall not
531 divulge the reason for the Search to any person except those Qualified Individuals who have consented
532 to the release of Identifying Information about themselves pursuant to section 25-2-113.5(3)-(5.5), C.R.S.

533 **SECTION 12.3 Records Included in Search**

534 The State Registrar shall regularly conduct Searches of Identifying Information for Qualified Individuals
535 seeking a Match. The Search shall include vital statistics records, and:

536 A. If a birth parent is presumed dead, death records in those state(s) where the death may have
537 occurred.

538 B. Birth records in Colorado if a birth parent was born in this state and birth records in other states
539 where possible.

540 **SECTION 12.4 Release of Identifying Information**

541 The State Registrar shall conduct a Search for up to 60 days to find a Match.

542 Within 30 days of the identification of a Match between a Qualified Individual and a Qualified Adult
543 Adoptee, the State Registrar shall commence efforts to locate and notify the Qualified Individual.

544 If the Qualified Individual has not been located or has not responded to the State Registrar's notice within
545 30 days of the initial Match, the State Registrar shall release the current Identifying Information for the
546 Qualified Individual to the Qualified Adult Adoptee and the Qualified Individual.

547 If the Qualified Individual responds but does not consent to the release of current Identifying Information,
548 the State Registrar shall not release the Qualified Individual's current Identifying Information to the
549 Qualified Adult Adoptee and the Qualified Individual.

550 **SECTION 12.5 Fees**

551 The Qualified Individual seeking a Match shall pay the State Registrar the notification fees set forth in
552 C.R.S. § 25-2-113.5(3)-(5.5) at the time of application as set forth in the fee schedule.

553

554 **Editor's Notes**

555 **History**

556 Sections 2.1-2.2, 2.5 eff. 09/14/2015.

557 Entire rule eff. 02/14/2019.

558 Sections 4.1, 5.1 E, 5.5 eff. 01/01/2020.

559 Section 5.5 C.2.c eff. 01/14/2022.

560 Sections 2.1, 2.4 A-B, 6.1, 6.2, 9.1 eff. 04/14/2024.

561 Entire rule eff. 10/15/2024.