

H.151

An act relating to vital records, mausoleums and columbaria, and emergency health orders

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Vital Records * * *

Sec. 1. 18 V.S.A. § 5016 is amended to read:

§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

(a) Access and issuance generally.

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(6) The State Registrar may authorize the issuance of certified birth or death certificates to public agencies, as defined in 1 V.S.A. § 317, for official purposes.

(b) Certified copies.

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(2) Only the following persons shall be eligible for a certified copy of a birth or death certificate:

(A) the registrant or his or her spouse, child, grandchild, parent, sibling, grandparent, or guardian; a person petitioning to open a decedent's estate; a court-appointed executor or administrator; or the legal representative of any of these;

(B) a specific person pursuant to a court order finding that a noncertified copy is not sufficient for the applicant's legal purpose and that a certified copy of the birth or death certificate is needed for the determination or protection of a person's right; ~~or~~

(C) an employee of a public agency authorized by the State Registrar as provided in subdivision (a)(6) of this section; or

(D) in the case of a death certificate only, additionally to:

* * *

Sec. 2. 18 V.S.A. § 5073 is amended to read:

§ 5073. BIRTH CERTIFICATE CORRECTIONS, COMPLETIONS

* * *

~~(d) If the State Registrar corrects or completes a certificate that was registered prior to July 1, 2019, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the uncorrected certificate and update indexes as directed by the State Registrar.~~

~~Corrected or completed originals shall not be marked "Amended." [Repealed.]~~

Sec. 3. 18 V.S.A. § 5075 is amended to read:

§ 5075. ISSUANCE OF AMENDED OR DELAYED BIRTH CERTIFICATE

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~~(e) If the State Registrar amends a certificate that was registered prior to July 1, 2019, he or she shall notify the town clerk or clerks with custody of the~~

~~certificate, who shall replace and dispose of the unamended certificate and update indexes as directed by the State Registrar. [Repealed.]~~

Sec. 4. 18 V.S.A. § 5202a is amended to read:

§ 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH
CERTIFICATE

* * *

~~(e) Original certificates. If the State Registrar corrects, completes, or amends a certificate that was registered prior to July 1, 2019, he or she shall notify the town clerk or clerks with custody of the original certificate, who shall replace and dispose of the original and update indexes, as directed by the State Registrar. [Repealed.]~~

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* * * Mausoleums and Columbaria * * *

Sec. 5. 18 V.S.A. chapter 121, subchapter 6 is amended to read:

Subchapter 6. Community Mausoleums and ~~Columbariums~~ Columbaria

* * *

§ 5573. CONSTRUCTION REQUIREMENTS

(a) A community mausoleum or columbarium, the crypts or niches of which are available to the public, shall be constructed and erected only with the consent and approval of the ~~State Board of Health~~ legislative body of the municipality and local board of health.

(b) Before commencing the building, construction, or erection of any such structure, full detailed plans and specifications shall be presented to the State Board of Health. The approval of ~~such~~ plans and specifications shall be evidenced by a certificate in writing, signed by the ~~State Board of Health~~ legislative body of the municipality and the local board of health.

(c) A community mausoleum, columbarium, or any structure intended to hold or contain permanently the bodies of the dead, and to which the public shall have access, shall not be constructed or erected without the approvals required by this section. A building not used for the permanent disposition of the human dead shall not be altered or changed ~~for such use or used for such purposes~~ to be used for the permanent disposition of the human dead, and an addition shall not be made to any existing community mausoleum or columbarium, unless constructed of ~~such~~ material and workmanship as will ensure its durability and permanence as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(d) Construction shall be managed and supervised by a person with experience in modern mausoleum construction and engineering.

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§ 5577. MAUSOLEUM BECOMING UNTENABLE

If, ~~in the opinion of the State Board of Health,~~ a mausoleum, vault, crypt, or structure containing one or more deceased human bodies becomes a ~~menace~~ hazard to public health, and the owner or owners ~~thereof~~ of the structure fail to remedy or remove the same to the satisfaction of the ~~State Board~~ Department of Health, a court of competent jurisdiction may order the person, firm, or corporation owning ~~such~~ the structure to remove the body or bodies for interment in some suitable cemetery at the expense of the person, firm, or corporation owning ~~such~~ the mausoleum, vault, or crypt. When ~~such~~ the person, firm, or corporation cannot be found in the county where ~~such~~ the mausoleum, vault, or crypt is located, then ~~such~~ the removal and interment shall be at the expense of the cemetery, ~~or~~ cemetery association, city, or town where ~~such~~ the mausoleum, vault, or crypt is situated.

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* * * Emergency Health Orders * * *

Sec. 6. 18 V.S.A. § 107 is amended to read:

§ 107. LIFE AND HEALTH OF INHABITANTS; INSPECTIONS,

INVESTIGATIONS

* * *

(b) A health officer may conduct inspections, review records, and take samples, photographs, and other evidence to detect violations of any State or

local health statute, rule, ordinance, or permit, or any public health hazard or public health risk. Inspections shall be conducted at a reasonable time and in a reasonable manner. The health officer may, upon presentation of credentials, seek permission to inspect any premises not open to the public. If permission is refused, the health officer may, pursuant to section 121 of this title, seek a search warrant authorizing the inspection of such premises.

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Sec. 7. 18 V.S.A. § 126 is amended to read:

§ 126. HEALTH ORDERS

* * *

(c) Prior to issuance of a health order under this section, the issuing authority shall provide notice as provided in this subsection.

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(2) The notice of intent, together with the supporting evidence, and a statement of procedural rights available under this section, shall be served in person by a health officer on the person against whom the health order is sought or in accordance with the procedures set forth in Vermont Rules of Civil Procedure. If the person resides out of state, the notice of intent shall be served on the person against whom the health order is sought through certified mail.

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Sec. 8. 18 V.S.A. § 127 is amended to read:

§ 127. EMERGENCY HEALTH ORDERS

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(b) The health officer may issue an emergency health order only after preparation of a written statement of reasons stating the need for an emergency health order together with the supporting evidence and a statement of procedural rights available under this section. The order, together with the statement and the evidence, shall be made available as soon as possible to the person to whom the order is directed. An emergency order shall be served in person by a health officer or in accordance with the procedures set forth in Rule 4 of the Vermont Rules of Civil Procedure. If the person resides out of state, the emergency health order shall be served on the person against whom the order is sought through certified mail.

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* * * Repeals; Effective Date * * *

Sec. 9. REPEALS

The following are repealed:

(1) 18 V.S.A. § 5574 (inspection of mausoleums and columbaria).

(2) 24 V.S.A. § 2654 (recording determination of emergency service districts).

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2021.