

Title 20. Public Health and Welfare
Chapter I. Generally, Department of Health
Subchapter A. Generally
Part 1. Rules for the Administration of Vital Records

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Promulgated Under the Authority of Arkansas Code Annotated § 20-18-101 et seq."

"AUTHORITY

The following Rules for Administration of Vital Records are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas, Act 1254 of 1995."

"Effective: May 2, 2022"

"RULE 22.0 SEVERABILITY

(Reference: Section 31 of Act 1254 of 1995)

If any provision of these Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can be given effect without the invalid provisions or applications, and to this end the provisions of these Rules are declared to be severable."

"REPEAL

All Rules and parts of Rules in conflict herewith are hereby repealed."

"CERTIFICATION

This will certify that the foregoing Rules Pertaining for the registration of Vital Records were amended and adopted by the State Board of Health of Arkansas at a regular executive session of said Board held in Little Rock, Arkansas, on the 22nd of July 2021."

Jose R. Romero, MD

Secretary, Arkansas Department of Health

Subpart 1. Duties of State Registrar of Vital Records

20 CAR § 1-101. Duties of State Registrar of Vital Records generally.

(a)(1) The State Registrar of Vital Records, under the direction of the State Board of Health, shall execute and enforce the provisions of the laws and the rules and supervise registrars to the end that all of the requirements shall be uniformly complied with.

(2) The State Registrar of Vital Records shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all local registrars and their deputies shall aid the State Registrar of Vital Records, upon request, in such investigations.

(3) The State Registrar of Vital Records shall report cases of violation of any of the provisions of the laws and rules to the prosecuting attorney of the proper county, with a statement of facts and circumstances.

(b) The State Registrar of Vital Records shall have the authority to cross-reference birth and death certificates on file for the same individual by stamping on the face information necessary to show relation of the two (2) certificates.

(c) Upon demand of the State Registrar of Vital Records in person, by mail, or through the local registrar, all physicians, coroners, midwives, administrators in institutions, informants, nurse midwives, circuit or county clerks, or funeral directors, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any:

(1) Live birth;

- (2) Death;
- (3) Fetal death;
- (4) Marriage;
- (5) Divorce; or
- (6) Annulment.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 7 of Act 1254)"

20 CAR § 1-102. Registration districts.

(a) The local county health unit in each county shall serve as registration district for the deaths occurring in the county until notified otherwise by the State Registrar of Vital Records.

(b) The central office shall serve as the site of registration for births and fetal deaths.

(c) The state registrar may designate additional offices.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-103. Forms.

(a) All forms, certificates, and reports used in the system of vital records:

(1) Are the property of the State Board of Health; and

(2) Shall be surrendered to the State Registrar of Vital Records upon demand.

(b) The forms prescribed and distributed by the state registrar for reporting vital records shall be used only for official purposes.

(c) No forms shall be used in the reporting of vital records or making copies thereof except those furnished or approved by the state registrar.

(d) Electronic data records will be accepted only when standards set by the state registrar are met.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 5(a)(5) of Act 1254 of 1995)"

20 CAR § 1-104. Requirements for preparation of certificates.

(a)(1) Legacy records refer to records that are issued from paper or a digital image of a paper record.

(2) All legacy certificates and records relating to vital records must either be:

- (A) Prepared on a typewriter with a black ribbon; or
- (B) Printed legibly in black, unfading ink.

(3) All signatures required shall be entered in black, unfading ink.

(4) Unless otherwise directed by the State Registrar of Vital Records, no certificate shall be complete and correct and acceptable for registration that:

- (A) Does not have the certifier's name typed or printed legibly;
- (B) Does not:
 - (i) Supply all items of information called for thereon; or
 - (ii) Satisfactorily account for their omission;
- (C) Contains alterations or erasures;
- (D) Does not contain handwritten signatures as required;
- (E) Is marked "copy" or "duplicate";
- (F) Is a carbon copy;
- (G) Is prepared on an improper form;

(H) Contains improper or inconsistent data;

(I) Contains an indefinite cause of death that denotes only symptoms of disease or conditions resulting from disease; and

(J) Is not prepared in conformity with rules or instructions issued by the state registrar.

(b)(1) Electronic records refer to records that are issued from an electronic database of information.

(2) All portions of the record that have been prepared on paper must meet the same requirements as legacy records.

(3) Portions of the record that have been entered directly into the database:

(A) Must contain all items of information called for thereon or satisfactorily account for their omission;

(B) Must not contain an indefinite cause of death that denotes only symptoms of disease or conditions resulting from disease; and

(C) Must be attested to be correct by a qualified funeral director or certifier who has personally accessed the record with a previously assigned user identification and complex password.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-105. Appointment of local registrar and deputy registrars.

(a) Each local registrar or deputy local registrar of vital records shall be notified of his or her appointment or reappointment in writing, setting forth the registration district and duties of his or her office.

(b)(1) The State Registrar of Vital Records shall appoint not less than one (1) person to be local registrar for deaths in each county.

(2) Each person so appointed shall receive a written notice setting forth the area for which he or she is to be responsible for promoting and supervising vital registration.

(c) Each local registrar shall appoint and submit to the State Registrar of Vital Records the name of the person or persons who are to act as deputy local registrars.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-106. Removal of local registrars and deputy local registrars.

(a) Failure to carry out the provisions of the Vital Statistics Act, Arkansas Code § 20-18-101 et seq., and rules adopted thereunder or conduct that may impair operation of the vital records system shall be considered reasonable cause for removal of the local registrar or deputy local registrar for vital records by the State Registrar of Vital Records.

(b) Notification of such action shall be in writing.

Authority. Arkansas Code § 20-18-202.

Subpart 2. Duties of Local Registrars

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 7 of Act 1254 of 1995)"

20 CAR § 1-201. Duties.

Each local registrar shall serve as the agent of the State Registrar of Vital Records in his or her registration district and shall:

(1) Be familiar with Acts 1995, No. 1254, as it pertains to birth, death, and fetal death certificates;

(2) Maintain an adequate supply of all forms and blanks furnished by the State Registrar of Vital Records and supply these to such persons as require them;

(3) Examine legacy certificates for accuracy and completeness as they are submitted for registration to determine whether they have been prepared in accordance with the act, rules, and instructions of the State Registrar of Vital Records;

(4) Notify the person responsible for the filing when any certificate submitted for registration is unacceptable and secure a complete and correct certificate;

(5) Sign each legacy certificate of death, enter the date received by him or her, and submit to the State Registrar of Vital Records;

(6)(A) Issue certified copies of registered death certificates within twenty-four (24) hours of request.

(B) All forms and procedures used to issue the copies shall be provided or approved by the State Registrar of Vital Records.

(C) If it is deemed appropriate and feasible, the local registrar's office may be provided access to all birth and/or death records filed in this state;

(7) Provide assistance to physicians, hospitals, funeral homes, and others in matters pertaining to vital records; and

(8) Perform such other duties as required by the State Registrar of Vital Records.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-202. Absence, illness, or disability of the local registrar.

(a)(1) The local registrar shall notify the deputy local registrar of his or her absence or incapacity to perform his or her duties.

(2) The deputy local registrar shall thereupon immediately assume all duties and responsibilities of the local registrar.

(b) In case of any extended absence, the State Registrar of Vital Records shall be notified in writing by the local registrar or deputy local registrar.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-203. Resignation of local registrar or deputy local registrar.

A local registrar or a deputy local registrar shall submit his or her resignation in writing to the State Registrar of Vital Records.

Authority. Arkansas Code § 20-18-202.

Subpart 3. Infants of Unknown Parentage — Foundling Registration

20 CAR § 1-301. Infants of unknown parentage — Foundling registration generally.

(a) The report for an infant of unknown parentage shall be registered on a regular certificate of live birth and shall:

- (1) Have "foundling" plainly marked in the top margin of the certificate;
- (2) Show the required facts as determined by approximation and have parentage data left blank; and
- (3) Amend the certification of the attendant to show the signature of the custodian and indicate title, if any.

(b) When a report has been sealed as provided by Acts 1995, No. 1254, § 19(d), the State Registrar of Vital Records may inspect such information for purposes of properly administering the vital records program.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference Section 19 of Act 1254 of 1995)"

Subpart 4. Birth Registration

20 CAR § 1-401. Out-of-institution birth — Documentary evidence.

(a) When a birth occurs in this state outside of a hospital or institution and the birth certificate is filed before the first birthday, additional evidence in support of the facts of birth may be required.

(b) A certificate for the birth shall be completed and filed upon presentation of the following evidence by the individual responsible for filing the certificate:

(1) Evidence of pregnancy, such as but not limited to:

(A) Prenatal record;

(B) A statement from a physician or other healthcare provider qualified to determine pregnancy;

(C) A home visit by a public health nurse or other healthcare provider; or

(D) Other evidence acceptable to the State Registrar of Vital Records;

(2) Evidence that the infant was born alive, such as but not limited to:

(A) A statement from the physician or other healthcare provider who saw or examined the infant;

(B) An observation of the infant during a home visit by a public health nurse; or

(C) Other evidence acceptable to the state registrar; and

(3) Evidence of the mother's presence in this state on the date of birth, such as but not limited to:

(A) If the birth occurred in the mother's residence:

(i) A driver's license or a state-issued identification card that includes the mother's current residence on the face of the license/card;

(ii) A rent receipt that includes the mother's name and address;

(iii) Any type of utility, telephone, or other bill that includes the mother's name and address; or

(iv) Other evidence acceptable to the state registrar;

(B) If the birth occurred outside of the mother's place of residence, and the mother is a resident of this state, such evidence shall consist of:

(i) An affidavit from the tenant of the premises where the birth occurred that the mother was present on those premises at the time of the birth, and evidence of the affiant's residence similar to that required in subdivision (b)(3)(A) of this section, and evidence of the mother's residence in the state similar to that required in subdivision (b)(3)(A) of this section; or

(ii) Other evidence acceptable to the state registrar.

(C)(i) If the mother is not a resident of this state, such evidence must consist of clear and convincing evidence acceptable to the state registrar.

(ii) See subdivision (b)(3)(B) of this section.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 16 of Act 1254 of 1995)"

20 CAR § 1-402. Delayed registration of birth.

(a) Certificates of birth filed after ten (10) days but within one (1) year from date of birth shall be registered on the standard live birth certificate as prescribed in Arkansas Code § 20-18-401.

(b)(1) Certificates of birth filed after one (1) year but within four (4) years from the date of birth shall be registered on the standard live birth certificate form in the manner prescribed in Acts 1995, No. 1254, § 16.

(2) Such certificates shall be marked "delayed".

(c)(1) In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where the birth occurred, a notarized statement setting forth the reason may be required by the State Registrar of Vital Records.

(2) The state registrar may require additional evidence in support of the facts of birth and/or an explanation for the delay in filing.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 17 of Act 1254 of 1995)"

20 CAR § 1-403. Delayed certificate of birth.

(a) All certificates registered four (4) years or more after the date of birth are to be registered on a delayed certificate of birth form prescribed by the State Registrar of Vital Records.

(b) A delayed birth certificate shall not be filed on a deceased person.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-404. Who may request the registration of and sign a delayed certificate of birth.

(a) Any person born in this state whose birth is not recorded in this state, or his or her parent, guardian, next of kin, or older person age twenty-eight (28) years or over acting for the registrant and having personal knowledge of the facts of the birth may request the registration of a delayed certificate of birth, subject to this part and instructions issued by the State Registrar of Vital Records.

(b)(1) Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is:

(A) Age eighteen (18) years or over; and

(B) Competent to sign and swear to the accuracy of the facts stated therein;

(2) Otherwise, the certificate shall be signed and sworn to by one (1) of the following in the indicated order of priority:

(A) One (1) of the parents of the registrant;

(B) The guardian of the registrant;

(C) The next of kin of the registrant; or

(D) Any person eighteen (18) years or over having knowledge of the facts of birth.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-405. Facts to be established for a delayed registration of birth.

The minimum facts that must be established by documentary evidence shall be the following:

(1) The full name of the person at the time of birth;

(2) The date of birth and place of birth;

(3) The full maiden name of the mother; and

(4) The full name of the father, except that if the mother was not married to the father of the child either at the time of conception or birth or any time between conception and birth, the name of the father shall not be entered on the delayed certificate.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-406. Delayed registration following a legal change of status.

(a) When evidence is presented reflecting a legal change of status by adoption, legitimation, or paternity determination or acknowledgement, a new delayed certificate may be established to reflect such changes.

(b) The existing certificate and the evidence upon which the new certificate was based shall be placed in a special file.

(c) Such file shall not be subject to inspection except upon order of competent jurisdiction or by the State Registrar of Vital Records for purposes of properly administering the vital records program.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-407. Documentary evidence — Requirements.

To be acceptable for filing, the name of the registrant at the time of the birth and the date and place of birth entered on a delayed certificate of birth shall be supported by at least:

(1) A hospital record created at the time of birth, or two (2) pieces of acceptable documentary evidence, if the record is filed within ten (10) years after the date of birth; or

(2) Three (3) pieces of acceptable documentary evidence, if the record is filed ten (10) years or more after the date of birth.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-408. Documentary evidence — Acceptability.

(a) The State Registrar of Vital Records shall determine the acceptability of all documentary evidence submitted.

(b)(1) Documents presented, including but not limited to census, hospital, church, and school records, must be from independent sources and shall be in the form of:

(A) The original record;

(B) A duly certified copy thereof; or

(C) A signed statement from the custodian of the record or document.

(2) Documents must have been established at least one (1) year prior to the date of application.

(3) Affidavits of personal knowledge are not acceptable as evidence to establish a delayed certificate of birth.

(c) All documents submitted in evidence:

(1) For persons age ten (10) years or over, must have been established at least ten (10) years prior to the date of application or within three (3) years from the date of birth; and

(2) For persons under ten (10) years of age, must be dated:

(A) At least one (1) year prior to the date of application; or

(B) Within the first year of life.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-409. Abstraction of documentary evidence.

(a)(1) The State Registrar of Vital Records or his or her designated representative shall abstract on the delayed certificate of birth a description of each document submitted to support the facts shown on the delayed birth certificate.

(2) This description shall include:

(A) The title or description of the document;

(B) The name and address of the custodian;

(C) The date of the original filing of the document being abstracted; and

(D) All birth facts required by 20 CAR § 1-405 contained in each document accepted as evidence.

(b) All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-410. Certification by the State Registrar of Vital Records.

The State Registrar of Vital Records or his or her designated representative shall verify that:

- (1) No prior birth certificate is on file for the person whose birth is to be recorded;
- (2) He or she has reviewed the evidence submitted to establish the facts of birth; and
- (3) The abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-411. Dismissal after one (1) year.

(a) Applications for delayed certificates that have not been completed within one (1) year from the date of application may be dismissed at the discretion of the State Registrar of Vital Records.

(b) Upon dismissal:

- (1) The state registrar shall so advise the applicant; and
- (2) All documents submitted in support of such registration shall be returned to the applicant.

Authority. Arkansas Code § 20-18-202.

Subpart 5. New Certificates of Birth Following Legitimation, Determination of Paternity, Acknowledgement of Paternity, Adoption, Legal Change of Name

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 20 and 21 of Act 1254 of 1995)"

20 CAR § 1-501. New certificate.

(a) The new certificate of birth shall:

- (1) Be on the form in use at the time of its preparation; and
 - (2) Include the following items and such other information necessary to complete the certificate:
 - (A) The name of the child;
 - (B) The date and place of birth as transcribed from the original certificate;
 - (C) The names and personal particulars of the adoptive parents or of the natural parents;
 - (D) The name of the attendant, printed or typed;
 - (E) The same birth number as was assigned to the original certificate; and
 - (F) The original filing date.
- (b) The data necessary to locate the existing certificate and the data necessary to complete the new certificate shall be submitted to the State Registrar of Vital Records on forms prescribed or approved by him or her.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-502. Legitimation.

(a)(1) If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the State Registrar of Vital Records for a child born in this state upon receipt of an affidavit of paternity signed by the natural parent of said child, together with a certified copy of the parents' marriage record.

(2) However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by a court of competent jurisdiction.

(b) The new birth certificate shall not be marked "amended".

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-503. Determination of paternity.

(a) A new certificate of birth shall be prepared by the State Registrar of Vital Records for a child born in this state upon receipt of a certified copy of a court determination of paternity, together with a request from the natural mother or person having legal custody of said child, that such new certificate be prepared.

(b) If the surname of the child is not decreed by the court, the request for the new certificate shall specify the surname to be placed on the certificate.

(c) The new certificate shall not be marked "court order".

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-504. Acknowledgment of paternity.

(a) A new certificate of birth shall be prepared by the State Registrar of Vital Records for a child born out of wedlock in this state upon receipt of a:

(1) Sworn acknowledgement of paternity signed by both parents; and

(2) Written request by both parents that the child's surname be changed on the certificate.

(b) However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only:

(1) When a determination of paternity is made by a court of competent jurisdiction; or

(2) Following adoption.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-505. Adoption.

(a)(1) A new certificate of birth may be prepared by the State Registrar of Vital Records for a child born in this state upon receipt of an adoption report or certified copy of an adoption decree from the courts of the several states of the United States or a foreign nation.

(2) The new birth certificate shall not be marked "amended".

(b)(1) A certificate of birth shall be prepared by the state registrar for a child born in a foreign country and subsequently adopted through a court of competent jurisdiction in Arkansas.

(2) An adoption report as provided for in Arkansas Code § 20-18-405 [repealed] and a request that such a certificate be established shall be submitted to the state registrar for preparation of an Arkansas certificate of foreign birth.

(3) Such certificate shall not confer citizenship upon the child or the adoptive parents.

Authority. Arkansas Code § 20-18-202.

Codification Notes. Code § 20-18-405 was repealed by Acts 1995, No. 1256, § 20.

20 CAR § 1-506. Legal change of name.

(a) A new certificate of birth, following a legal name change, shall be established upon receipt of a court order from a court of competent jurisdiction.

(b) This certificate shall be marked "court order".

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-507. Existing certificate to be placed in a special file.

(a) After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file.

(b) Such file shall not be subject to inspection except:

(1) Upon order of a court of competent jurisdiction; or

(2) By the State Registrar of Vital Records for purposes of properly administering the vital statistics program.

Authority. Arkansas Code § 20-18-202.

Subpart 6. Death Registration

20 CAR § 1-601. Death registration generally.

(a)(1) The funeral director shall electronically, or by a system designated by the State Registrar of Vital Records, file a fact of death within three (3) days of death.

(2) This shall consist of the legal name, date and time of death, county of death, date of birth, Social Security Number, and resident address of the deceased.

(b) Medical certification shall be completed and returned to the funeral home electronically, or by a system designated by the State Registrar of Vital Records, within three (3) business days after receipt of the death certificate by the medical certifier except when inquiry is required by Arkansas Code § 12-12-315, Arkansas Code § 12-12-318, or Arkansas Code § 14-15-301 et seq.

(c)(1) The complete certificate shall be filed within ten (10) days.

(2) The funeral director is to notify the local county registrar of death certificates that cannot be filed within ten (10) days.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 14 and 25 of Act 1254 of 1995 and Section 1 of Act 975 of 2019)"

20 CAR § 1-602. Acceptance of incomplete death certificate.

(a)(1) If the attending physician, medical examiner, or coroner are unable to complete the medical certification of cause of death within the prescribed statutory time period, he or she may indicate that cause of death is "pending" and sign the certification.

(2) A supplemental report providing the medical information omitted from the original certificate shall be filed by the certifier with the State Registrar of Vital Records within ninety (90) days.

(3)(A) The supplemental report or reports shall be made a part of the existing death certificate.

(B) Supplemental reports filed after ninety (90) days shall be considered an application to amend the record.

(C) The certificate shall be marked "amended".

(b)(1) If the funeral home is unable to obtain the personal information about the deceased within the prescribed statutory time period, the funeral director shall file a death certificate form completed with all available information.

(2) If information is unavailable, indicate "unknown".

(3)(A) Within ten (10) days after the State Registrar of Vital Records receives the certificate, the funeral director may make changes to personal information where the change corrects an error made in the registration and filing of the certificate.

(B) Do not mark "amended".

(C) Amendment of errors to personal information or addition of missing information made ten (10) days after receipt of the original certificate shall be by affidavit and the certificate shall be marked "amended".

(4) The State Registrar of Vital Records may make administrative corrections to certificates within one (1) year without certificate being marked "amended".

(c)(1) In any case where an autopsy is scheduled and the physician, coroner, or medical examiner wishes to await its gross findings to confirm a tentative clinical finding, he or she shall give the funeral director notice as to when he or she expects to have the medical data necessary for the certification of cause of death.

(2) If the provisions of Acts 1995, No. 1254, § 25, cannot be adhered to, he or she shall indicate that the cause is "pending" and sign the certification.

(3) Immediately after the medical data necessary for determining the cause of death have been made known, the physician, coroner, or medical examiner shall, over

his or her signature, forward the cause of death to the registrar on a form prescribed for that purpose by the State Registrar of Vital Records.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-603. Completion of certificate when death occurs in an institution.

(a)(1) When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the medical examiner or coroner, the person in charge of such institution, or his or her designated representative, shall be responsible for obtaining the medical certificate.

(2) This responsibility does not include DOA in the hospital emergency room.

(b) Hospitals or other institutions may assist in preparation of the certificates by completing the following items:

- (1) Name of deceased;
- (2) Date of death; and
- (3) Place of death.

Authority. Arkansas Code § 20-18-202.

Codification Notes. "DOA" means dead on arrival.

Subpart 7. Authorization of Final Disposition

Codification Notes. This subpart as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 28 of Act 1254 of 1995)"

20 CAR § 1-701. Burial-transit permit.

(a) A burial-transit permit shall be required when a dead body is cremated or transported out of the state.

(b) The burial-transit permit shall be issued by the State Registrar of Vital Records and/or designated representative of the district in which the death occurred upon request of a funeral director or his or her designated representative.

(c) A burial-transit permit may be waived for disposition in Arkansas for persons who died in Arkansas and will be buried in Arkansas.

(d) Cremation shall occur as authorized by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-702. Removal of body.

Before removing a dead body or fetus that has reached a gestation period of twenty (20) completed weeks from the place of death, the funeral director or his or her designated representative shall:

(1) Obtain assurance from the attending physician that:

(A) Death is from natural causes; and

(B) The physician will assume responsibility for certifying to the cause of death or fetal death; or

(2) Contact the medical examiner or coroner if the case comes within his or her jurisdiction and receive authorization from him or her to remove the body.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-703. Disposition of dead bodies or fetuses.

(a)(1) Disposition of dead bodies or fetuses shall be by burial in a registered cemetery or by cremation.

(2) Hospitals may dispose of dead fetuses by incineration.

(b) The death and fetal death certificates shall be certified by the physician, coroner, or medical examiner before cremation or hospital disposal takes place.

(c) Dead bodies or fetuses may be donated to medical schools for research purposes.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-704. Disinterment.

No dead human body shall be removed from its place of original interment except under the following conditions:

(1)(A) A permit from the State Registrar of Vital Records or his or her designated representative marked "disinterment permit" is secured by a licensed funeral director in charge of the disinterment.

(B) The qualified person making the application shall present to the state registrar the correct name, age, and date of death of the body to be disinterred and place of disinterment, together with written consent of the next of kin or their authorized representative, by the local law enforcement officer, or by court order.

(C) The state registrar may require legal proof of such kinship or legal authority;

(2)(A) All disinterment permits shall be void after the expiration of thirty (30) days after the date of issue.

(B) An extension of thirty (30) days may be granted upon written request by the funeral director; and

(3)(A) Procedures.

(B)(i) The disinterment and removal must be:

(a) Under the direction of a licensed funeral director; and

(b) In accordance with this part governing the transportation of the dead.

(ii) The coroner of the county of burial must be notified of a disinterment.

(C) The casket in which a disinterred body is contained shall not be opened at any time except by court order or under instructions of the medical examiner or coroner of the county of death.

(D) The funeral director authorized to conduct a disinterment shall be held personally responsible for the enforcement of these requirements.

(E) Upon receipt of court order or signed permission of the next of kin, the state registrar may issue one (1) permit to authorize disinterment and reinterment of all remains in a mass disinterment provided that insofar as possible the:

(i) Remains of each body are identified; and

(ii) Places of disinterment and reinterment are specified.

(F) A dead body properly prepared by an embalmer and deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

Authority. Arkansas Code § 20-18-202.

Subpart 8. Transportation of Dead Bodies

20 CAR § 1-801. Transportation of dead bodies generally.

(a) A transportation company shall accept a dead human body for shipment only when it is accompanied by a properly completed burial-transit permit.

(b) A transportation company shall not accept a dead human body for shipment when fluid or offensive odors are escaping from the case.

(c)(1) A dead human body transported by common carrier must be:

(A) Embalmed thoroughly by an approved embalming process; and

(B) Placed in a rigid container made for the purpose, equipped with sufficient handles on sides and ends.

(2) A body that cannot be embalmed or is in a state of decomposition shall be transported only after enclosure in an airtight container.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 28 of Act 1254 of 1995)"

20 CAR § 1-802. Preservation of bodies.

(a) All dead human bodies not buried within forty-eight (48) hours after death shall be:

(1) Embalmed in a manner approved by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services; or

(2) Stored under refrigeration at forty-five degrees Fahrenheit (45°F) or less.

(b) When a dead body is being cremated, embalming and refrigeration shall not be required for a forty-eight-hour period after death unless a health problem dictates otherwise.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-803. Bodies placed in vaults.

Bodies placed in receiving vaults fifteen (15) days or more shall be encased in an airtight container.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-804. Responsibility for the identification of the body of deceased person who may have been infected by a communicable disease.

See 20 CAR § 102-113 of the Rules Pertaining to Reportable Disease.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-805. Acts tending to promote spread of disease prohibited.

Any physician or hospital caring for an individual who dies of a contagious disease shall notify the funeral director on the death certificate, or by other written notice, of the danger involved before the funeral director takes possession of the body.

Authority. Arkansas Code § 20-18-202.

Subpart 9. Records and Reports

20 CAR § 1-901. Records and reports generally.

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

- (1) The date, place, and time of receipt;
- (2) The date, place, and manner of disposition;
- (3) If the dead body or fetus is delivered to another funeral director, the:
 - (A) Date of such delivery; and
 - (B) Name and address of the funeral director to whom delivered; and
- (4) The items required by the certificate of death for those deaths for which the funeral director was required to file the certificate.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 9 of Act 1254 of 1995)"

Subpart 10. Delayed Registration of Death

20 CAR § 1-1001. Registration — One (1) year to four (4) years.

(a)(1) Certificates of death filed after one (1) year but within four (4) years from the date of death shall be registered on the standard certificate of death form in the manner prescribed in Acts 1995, No. 1254, § 25.

(2) This certificate shall be marked "delayed".

(b) When the physician, coroner, medical examiner, or funeral director is not available, subsection (f) of this section shall be applicable.

(c) **Delayed certificate of death form.** All certificates registered four (4) years or more after the date of death are to be registered on a delayed certificate of death form prescribed by the State Registrar of Vital Records.

(d) **Who may request a delayed certificate.** Only the funeral director or the family of a person who died in the State of Arkansas, whose death is not recorded, may file a delayed certificate of death, subject to the:

(1) Procedures and requirements established by this part; and

(2) Instructions issued by the state registrar.

(e) **When the attending physician, coroner or medical examiner, and the attending funeral director are available.**

(1) In cases where the attending physician, coroner or medical examiner, and the attending funeral director or the funeral director who has the deceased's records are available to complete and sign the certificate, a certificate may be completed without additional evidence and mailed directly to the Division of Vital Records.

(2) The state registrar may request an affidavit to substantiate the death certificate.

(f) **When the attending physician, coroner or medical examiner, and/or the attending funeral director are not available.**

(1) In cases where the attending physician, coroner or medical examiner, and/or the attending funeral director are not available to complete and sign the certificate, the person applying to file a certificate shall submit at least two (2) documents, subject to the discretion of the state registrar, to establish that:

(A) The person at one time did exist; and

(B) The death did occur at the time and place so stated.

(2) The certificate filed shall contain only such information as can be proved by documentary evidence.

(g) **Abstract on delayed death certificates.** If an application is acceptable for filing, the state registrar shall abstract on the delayed death certificate form a description of each document submitted in support of the death registration, including the:

(1) Title or description of the document;

(2) Name of the affiant if the document is an affidavit of personal knowledge, or the name of the issuing organization if the document is an original or certified copy of a record or a signed statement taken from a document; and

(3) Date.

(h) **Date of filing and departmental certification.** The state registrar then shall enter the date of filing and by his or her signature thereto shall certify that:

(1) No prior death certificate is on file for the person whose death is to be recorded;

(2) He or she has reviewed the evidence submitted to establish the facts of death; and

(3) The summary or abstract of the evidence appearing on the delayed death certificate accurately reflects the nature and character of the document.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 26 of Act 1254 of 1995)"

Subpart 11. Registration of Spontaneous Fetal Deaths — Stillbirth

20 CAR § 1-1101. Registration of spontaneous fetal deaths — Stillbirth generally.

(a) Each spontaneous fetal death where the fetus completed twelve (12) weeks' gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, that occurs in this state shall be reported within five (5) days after delivery to the State Registrar of Vital Records.

(b) The fetal death shall be reported on a certificate furnished by the state registrar.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 2 of Act 168 of 2017)"

20 CAR § 1-1102. Responsibility for reporting spontaneous fetal deaths.

(a) When a spontaneous fetal death occurs without medical attendance at/or immediately after the delivery, the medical examiner or coroner shall:

- (1) Investigate the cause of fetal death; and
- (2) Prepare and file the report within five (5) days.

(b) If the delivery of a dead fetus occurred on a moving conveyance, the place of delivery shall be entered in accordance with the instructions given for live births.

(c) The name of the father and other information about the father shall be entered in accordance with instructions given for live births.

(d) In the case of multiple births, a separate report shall be submitted for each fetus.

Authority. Arkansas Code § 20-18-202.

Subpart 12. Reports of Induced Terminations of Pregnancies and Spontaneous Fetal Deaths

20 CAR § 1-1201. Report of non-chemical induced termination of pregnancy.

(a)(1) Non-chemical induced terminations of pregnancy are to be reported on Vital Records form VR-29a, which is attached hereto as Appendix A pursuant to Acts 2013, No. 171.

(2) Reports of non-chemical induced termination of pregnancy are statistical reports only and are not to be incorporated into the official records of the Division of Vital Records.

(b)(1) These are to be forwarded directly to the Arkansas Center for Health Statistics by the institution or by the physician in attendance if pregnancy termination did not occur in a hospital.

(2) The Director of the Arkansas Center for Health Statistics is authorized to dispose of such reports when all statistical processing of the records has been accomplished.

(3) However, the director may establish a file of such records so they will be available for future statistical and research projects provided:

(A) Such a file is not made a part of the official records; and

(B) The reports are not made available for the issuance of certified copies.

(c)(1) Such file shall be retained for as long as the director deems necessary and it shall then be destroyed.

(2) The file may be maintained by photographic, electronic, or other means as determined by the director.

(3) When such a file is established by the director, the original reports from which they were made shall be destroyed.

(d) A physician who performs an abortion shall report monthly to the center the number of informed consent certifications received pursuant to Acts 2015, No. 1086.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 27 of Act 1254 of 1995)"

20 CAR § 1-1202. Report of chemical induced termination of pregnancy.

(a)(1) Chemical induced terminations of pregnancy are to be reported on Vital Records form VR-29b, which is attached hereto as Appendix B pursuant to Acts 2021, No. 560.

(2) The chemical induced termination of pregnancy report is an official record and shall remain confidential except that a disclosure may be made to law enforcement officials upon an order of a court after an application showing good cause.

(3) These reports are:

(A) Incorporated into the official records of the Division of Vital Records;
and

(B) Submitted by the healthcare facility to the Arkansas Center for Health Statistics within fifteen (15) days after each month's end.

(b)(1) The number of chemical induced terminations of pregnancy by trimester are to be reported quarterly on Vital Records form VR-29c, which is attached hereto as Appendix C pursuant to Acts 2021, No. 560.

(2) Quarterly reports of the number of chemical induced terminations of pregnancy by trimester are statistical reports and are not incorporated into the official records of the division.

(3) These reports are to be submitted by the healthcare facility performing chemical abortions within fifteen (15) days after each quarter's end.

(4) These reports will be maintained and retained in the same manner as described in 20 CAR § 1-1201.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-1203. Report of spontaneous fetal death — Miscarriages of fewer than twelve (12) weeks.

(a)(1) Each spontaneous fetal death or miscarriage of fewer than twelve (12) weeks' gestation, as computed in 20 CAR § 1-1101, is to be reported on Vital Records form VR-28.

(2) These are statistical reports only and are not to be incorporated into the official records of the Division of Vital Records.

(b)(1) These are to be forwarded directly to the Arkansas Center for Health Statistics by the institution or by the physician in attendance if pregnancy termination did not occur in a hospital.

(2) The Director of the Arkansas Center for Health Statistics is authorized to dispose of such reports when all statistical processing of the records has been accomplished.

(3) However, the director may establish a file of such records so they will be available for future statistical and research projects provided:

(A) Such a file is not made a part of the official records; and

(B) The reports are not made available for the issuance of certified copies.

(c)(1) Such file shall be retained for as long as the director deems necessary and it shall then be destroyed.

(2) The file may be maintained by photographic, electronic, or other means as determined by the director.

(3) When such a file is established by the director, the original reports from which they were made shall be destroyed.

Authority. Arkansas Code § 20-18-202.

Subpart 13. Delayed Registration of Marriage

20 CAR § 1-1301. Delayed registration of marriage generally.

(a) The registration of a marriage after one (1) year shall be registered on the report of marriage form.

(b)(1) The marriage certificate must be filed with the State Registrar of Vital Records by the county clerk where the marriage license was originally issued.

(2) This certificate shall be marked "delayed".

(c) In all cases, the state registrar may require additional evidence to prove the facts of marriage.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 23 of Act 1254 of 1995)"

Subpart 14. Amendment of Vital Records

20 CAR § 1-1401. Amendment of minor errors on birth certificates during the first year.

(a) Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions on birth certificates may be made within the first year after the date of birth upon request of persons defined in 20 CAR § 1-1402.

(b)(1) When such additions or minor amendments are made by the State Registrar of Vital Records, an affidavit attesting to the true facts shall be attached to the certificate in such a way as not to become a part of any certification issued.

(2) The certificate is not to be marked "amended".

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 14 of Act 1254 of 1995)"

20 CAR § 1-1402. Amendment of registrant's given names on birth certificates within the first year.

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

- (1) Both parents;
- (2) The mother in the case of a child born out of wedlock;
- (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; or
- (5) The guardian or agency having legal custody of the registrant.

(b)(1) After one (1) year from the date of birth, the provisions of 20 CAR § 1-1404 must be followed to amend a given name if the name was entered incorrectly on the birth certificate.

(2) A legal change of name order must be submitted from a court of competent jurisdiction to change a given name after one (1) year.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-1403. Addition of given names.

(a) After the registrant's first birthday, given names for a child whose birth was recorded without given names may be added to the certificate upon written request of:

- (1) Registrant, if of legal age;
- (2) Both parents;
- (3) The mother in the case of a child born out of wedlock;
- (4) The father in the case of the death or incapacity of the mother;
- (5) The mother in the case of the death or incapacity of the father; or

(6) The guardian or agency having legal custody of the registrant.

(b) A certificate amended in this manner prior to the first birthday is not to be marked "amended".

(c)(1) After the first birthday, one (1) or more items of documentary evidence must be submitted to substantiate the name being added.

(2) This certificate shall be marked "amended".

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-1404. All other amendments.

(a) Unless otherwise provided in this part or in Acts 1995, No. 1254, § 14, all other amendments to vital records shall be supported by:

(1) An affidavit setting forth:

(A) Information to identify the certificate;

(B) The incorrect data as it is listed on the certificate; and

(C) The correct data as it should appear; and

(2)(A) One (1) or more items of documentary evidence that:

(i) Support the alleged facts; and

(ii) Were established:

(a) At least five (5) years prior to the date of application for amendment; or

(b) Within seven (7) years of the date of the event.

(B) Exceptions can only be made at the discretion of the State Registrar of Vital Records.

(b) The state registrar shall evaluate the evidence submitted in support of any amendment and when he or she finds reason to doubt its validity or adequacy, he or she:

(1) May reject the amendment; and

(2) Shall advise the applicant of the reasons for this action.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-1405. Who may apply.

(a) To amend a birth certificate, application may be made by:

- (1) One (1) of the parents if the registrant is under age eighteen (18);
- (2) The guardian;
- (3) The registrant if he or she is age eighteen (18) years or over; or
- (4) The individual responsible for filing the certificate.

(b)(1) To amend a death certificate, application may be made by the:

- (A) Next of kin;
- (B) Informant listed on the death certificate; or
- (C) Funeral director or person acting as such who submitted the death

certificate.

(2) Applications to amend the medical certification of cause of death shall be made only by the physician, coroner, or medical examiner who provided the medical certification.

(3) The report shall be notarized unless submitted by an approved electronic process.

(4) A court order shall be required to change marital status on death certificates except when persons responsible for the completion of the item make an error.

(c)(1) To amend a fetal death certificate, such application shall be made by one (1) of the parents.

(2) Amendments to the medical certification shall be made by the attending physician, the medical examiner, or the coroner.

(3) The funeral director shall request any amendment to the date, place, and method of disposal.

(d)(1) Applications for amendment of certificates of marriage shall be made jointly by both parties to the marriage or by the survivor.

(2) In the event the marriage to which the application relates was terminated by divorce, dissolution of marriage, or annulment on or before the date of application for amendment, the applicant may request amendment only of those items on the certificate of marriage that relate to the applicant.

(e)(1) Applications for amendment of matters contained in certificates of divorce, dissolution of marriage, or annulment that are not part of the decree or court order may be made by either party to the marriage so terminated.

(2) Applications for amendment of matters contained in certificates of divorce, dissolution of marriage, or annulment that are part of the decree or court order may only be made by the court that ordered the divorce, dissolution of marriage, or annulment upon which the report was made.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-1406. Amendment of the same item more than once.

(a) Once an amendment of an item is made on a vital record, that item shall not be amended again unless a court order is received from a court of competent jurisdiction.

(b) New items on the certificate can be corrected with a new affidavit and satisfactory proof.

Authority. Arkansas Code § 20-18-202.

20 CAR § 1-1407. Methods of amending certificates.

(a) Certificates of birth, death, fetal death, marriage, and divorce may be amended by the State Registrar of Vital Records in the following manner:

(1) Completing the item in any case where the item was left blank on the existing certificate;

(2)(A) Legacy records, as previously defined, shall be amended by:

(i) Drawing a single line through the item to be amended that does not obliterate the original entry; and

(ii) Inserting the correct data immediately above or to the side thereof.

(B) Electronic records shall be amended by:

(i) Replacing incorrect information with correct information; and

(ii) Adding a footnote mark indicating that original information has been placed at the bottom of the certificate;

(3)(A) Completing a special form for attachment to the original record.

(B) Such form shall include:

(i) The incorrect information as it appears on the original certificate;

(ii) The correct information as it should appear;

(iii) An abstract of the documentation used to support the amendment; and

(iv) Sufficient information about the registrant to link the special form to the original record.

(C) When a copy of the original record is issued, a copy of the affidavit must be attached;

(4) A substitute certificate shall be established with correction or corrections as specified by the court and the original certificate shall be removed to a special file;

(5) Items on delayed certificates that were placed on a certificate as a result of documentary evidence can only be amended by a court order; and

(6)(A) A certificate of birth amended pursuant to the provisions of Acts 1995, No. 1254, § 14(d), shall be amended by preparing a new certificate.

(B) The item numbers of the entries that were amended shall not, however, be identified on the new certificate or on any certified copies that may be issued of that certificate.

(b)(1) Amended certificates shall be marked "amended" as required by Acts 1995, No. 1254, § 14, and the date the amendment was made as well as the initials of the person making the change shall be entered on the face of the certificate.

(2) The affidavit and the summary of evidence shall be filed following the amended certificate.

Authority. Arkansas Code § 20-18-202.

Subpart 15. Disclosure of Records

20 CAR § 1-1501. Disclosure of records generally.

To protect the integrity of vital records:

(1)(A) The State Registrar 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 unless he or she is satisfied that the applicant is authorized to obtain a copy or abstract of such record.

(B)(i) Family members doing genealogical research and genealogists representing a family member may obtain copies of records needed for their research.

(ii) Unless the registrant is deceased, appropriate authorizations shall be required from the registrant or relevant family members as defined in Acts 1995, No. 1254, § 12, for the release of records.

(iii) Grandparents and grandchildren are relevant family members.

(C) The term "authorized representative" shall include an attorney, physician, funeral director, or other authorized agent acting on behalf of the registrant or his or her family.

(D) The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be authorized to obtain copies or abstracts of the record;

(2)(A) All requests for disclosure of information contained in vital records or reports for research that identify any person or institution shall be submitted in writing to the state registrar.

(B) Each request must contain:

(i) Objectives of the research;

(ii) Peer review and approval of study protocol for any contact of study subjects;

(iii) Storage and security measures to be taken to ensure confidentiality of identifying information, and provision for return or destruction of the information at the conclusion of the research;

(iv) Time frame of the study;

(v) Acknowledgement and agreement that:

(a) Ownership of all information provided by the state registrar shall remain exclusively in the state agency; and

(b) Use of that information by the researcher:

(1) Constitutes a license only for usage during the course of the research; and

(2) Creates no ownership rights by the researcher; and

(vi) Acknowledgment and agreement that release of identifying information contained in vital records or reports by the researcher to any other person or entity may be made only with prior written approval of the state registrar.

(C) All requests shall be reviewed to determine compliance with the following:

(i) The request contains all required elements;

(ii) The request adequately justifies the need for the requested information;

(iii) The requested information can be provided within the time frame set forth in the request; and

(iv) The state agency has adequate resources with which to comply with the request.

(D)(i) The state registrar shall enter into research agreements for all approved research requests.

(ii) Each research agreement shall:

(a) Specify exactly what information will be disclosed; and

(b) Prohibit release by the researcher of any information that may identify any person or institution.

(iii) Additionally, each research agreement may provide that in the event of breach the principal investigator or investigators and collaborator or collaborators shall:

(a) Be barred from participation in future research agreements;

and

(b) Pay to the state agency the sum of five thousand dollars (\$5,000) per violation of the research agreement;

(3) For all requests for disclosure of information contained in vital records or reports for research that does not contain identifiers but may identify any person or institution, a signed agreement form must be obtained from the person or entity requesting the information that provides the following assurances:

(A) The recipient will neither use nor permit others to use the information in any way except for statistical reporting and analysis;

(B) The recipient will neither release nor permit others to release the information or any part of the information to any person who is not a member of the organization without approval of the state registrar;

(C) The recipient will neither attempt to link nor permit others to attempt to link the data set with individually identifiable records from any other data set;

(D) The recipient will neither use nor will allow anyone else to attempt to use the information to learn the identity of any person or institution included in the information provided; and

(E) If the identity of any person or institution is discovered inadvertently, the recipient:

(i) Will not make use of this knowledge;

(ii) Will immediately notify the state registrar;

(iii) Will safeguard or destroy the information that led to the identification of the individual or institution as requested by the state registrar; and

(iv) Will inform no one else of the discovery;

(4)(A) The state registrar shall not issue a certified copy of a record until the applicant has provided sufficient information to locate the record.

(B) Whenever it shall be deemed necessary to establish an applicant's right to information from a vital record, the state registrar shall also require identification of the applicant or a sworn statement; and

(5)(A) When one hundred (100) years have elapsed after the date of birth or fifty (50) years have elapsed after the date of death, marriage, divorce, dissolution of marriage, or annulment, such records in the custody of the state registrar shall become available to any person upon submission of an application containing sufficient information to locate the record.

(B) For each copy issued or search of the files made, the state registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his or her possession.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Sections 2, 11 and 12 of Act 1254 and Section 2 of Act 1295 of 1995)"

Subpart 16. Record Preservation

20 CAR § 1-1601. Record preservation generally.

(a) When an authorized reproduction of a vital record has been properly prepared by the State Registrar of Vital Records 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.

(b) Such record may not be disposed of, however, until:

(1) The quality of the authorized reproduction has been tested to ensure that acceptable certified copies can be issued; and

(2) A security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed.

(c) Such security copy shall be maintained in such a manner to ensure that it can replace the authorized reproduction should the authorized reproduction be lost or destroyed.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 15 of Act 1254 of 1995)"

Subpart 17. Copies of Data from Vital Records

20 CAR § 1-1701. Copies of data from vital records generally.

(a) Full certified copies or birth card certification 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 live birth certificates shall not be included.

(b) When a certified copy is issued, each certification shall:

(1) Be signed and certified as a true copy by the State Registrar of Vital Records in whose custody the record is entrusted; and

(2) Include the certificate number, date issued, the state registrar's signature or an authorized facsimile thereof, and the seal of the issuing office shall be affixed thereon.

(c)(1) Confidential verifications of the facts contained in vital records may be furnished by the state registrar to any federal, state, county, or municipal government agency or to any other agency representing the interest of the registrant, subject to the limitations as indicated in subsection (a) of this section above.

(2) Such confidential verifications may be on forms prescribed and furnished by the requesting agency and acceptable to the state registrar or the state registrar may authorize the verification in other ways when it shall prove in the best interest of his or her office.

(d)(1) The state registrar may authorize certifier and originator to make an uncertified copy of a vital record for their files only.

(2) No reproductions are to be issued from this copy for any purpose.

(e) All certified copies shall include, at a minimum, the following security features:

- (1) Sensitized security paper;
- (2) Background security design;
- (3) Copy void pantograph; and
- (4) Consecutive numbering.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 12 of Act 1254 of 1995)"

Subpart 18. Fees for Copies and Searches

20 CAR § 1-1801. Fees for copies and searches generally.

(a)(1) No certified copies shall be issued until the fee for such copy is received unless specific approval has been:

- (A) Obtained from the State Registrar of Vital Records; or
- (B) Otherwise provided for by Acts 1995, No. 1254, or rules.

(2) Fees shall be as specified in Arkansas Code § 20-7-123.

(b) For research and statistical purposes the state registrar or the Director of the Arkansas Center for Health Statistics shall determine the:

- (1) Fee for such services; and
- (2) Manner in which such cost shall be paid.

(c) The state registrar shall determine the extent and the fees required to conduct an extensive record search for a birth, death, fetal death, marriage, or divorce record when sufficient information cannot be provided by the applicant for a normal search.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 29 of Act 1254 of 1995)"

Subpart 19. Persons Required to Keep Records and File Reports

20 CAR § 1-1901. Persons required to keep records and file reports generally.

(a) Each person in charge of any hospital or funeral home shall, upon request, notify the State Registrar of Vital Records or local registrar of the names of the persons designated to be responsible for preparation and filing of records as required by Acts 1995, No. 1254.

(b)(1) Lists of births and deaths shall be kept by each hospital or funeral home.

(2) Said lists shall be made available to the State Registrar of Vital Records upon request.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 9 of Act 1254 of 1995)"

Subpart 20. Matching of Birth and Death Certificates

20 CAR § 1-2001. Matching of birth and death certificates generally.

(a)(1) When carrying out the birth and death matching program, the State Registrar of Vital Records shall establish written guidelines that provide the standards for determining a match does exist.

(2) These standards shall specify the information about the decedent that should be available and that should be compared to the information on the birth certificate before a match can be made.

(3) These items include as a minimum:

- (A) Name of decedent;
- (B) Name of father and maiden name of mother;
- (C) Date of birth or age of decedent;
- (D) State of birth of decedent; and
- (E) Marital status of decedent.

(4) No match shall be made unless there is documented proof of the fact of death.

(b) The date of death, the state where death occurred, and the death certificate number shall be posted to the birth certificate.

Authority. Arkansas Code § 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 7 of Act 1254 of 1995)"

Subpart 21. Penalties

20 CAR § 1-2101. Penalties generally.

(a) The following persons shall be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for not more than five (5) years, or both:

(1) Any person who willfully and knowingly makes any false statement in a certificate, record, or report required to be filed under this part, or in an application for an amendment thereof or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof;

(2) Any person who without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed under this part or a certified copy of such certificate, record, or report;

(3) Any person who willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so:

- (A) Made;
- (B) Counterfeited;
- (C) Altered;
- (D) Amended; or
- (E) Mutilated;

(4) Any person who, with the intent to deceive, willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate that:

- (A) Is false in whole or in part; or
- (B) Relates to the birth of another person, whether living or deceased;

(5) Any person who willfully and knowingly furnishes or processes a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purpose of deception by a person other than the person to whom the certificate of birth relates; or

(6) Any person who without authority possesses any certificate, record, or report required by this part or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.

(b) The following persons shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one (1) year, or both:

(1) Any person who willfully and knowingly refuses to provide information required by this part adopted hereunder;

(2) Any person who willfully and knowingly transports or accepts for transportation, interment, or other disposition, a dead body without an accompanying permit as provided in this part; or

(3) Any person who willfully and knowingly neglects or violates any of the provisions of this part or refuses to perform any of the duties imposed upon him by this part.

Authority. Arkansas Code §§ 20-18-105, 20-18-202.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"(Reference: Section 4 of Act 1254 of 1995)"

Appendix A. Non-Chemical Induced Termination of Pregnancy Report

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/80/20CARpt.1AppendixA.pdf>

Appendix B. Chemical Induced Termination of Pregnancy Report

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/81/20CARpt.1AppendixB.pdf>

Appendix C. Chemical Induced Termination of Pregnancy Quarterly Report

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/82/20CARpt.1AppendixC.pdf>