ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
ADMINISTRATIVE CODE

CHAPTER 420-7-1
VITAL STATISTICS

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420-7-1-.01 General.

(1) Legal Authority for Adoption of Rules. Under and by authority of Code of Ala. 1975, §22-9A-2, the State Board of Health does hereby adopt and promulgate the following Rules for the purposes of carrying out Code of Ala. 1975, Title 22, Chapter 9A.

(2) Name. The Center for Health Statistics within the Department of Public Health shall be the Office of Vital Statistics as provided for in Code of Ala. 1975, §22-9A-2.

(3) Definitions. In addition to the definitions in Code of Ala. 1975, §22-9A-1, the following terms are used in connection with these Rules:

(a) "Birth" means "Live birth" as defined in Code of Ala. 1975, §22-9A-1(7).

(b) "Health Care Provider" means a person licensed in the state of Alabama to provide medical or health services such as a physician, chiropractor, nurse, or emergency medical technician.

(c) "Immediate Family Member" means the mother, father, sister, brother, husband, wife, son, or daughter of the registrant listed on a certificate.

(d) "Informant" means the individual named on a death certificate as the person providing information to the funeral director for completion of the personal and statistical items on the death certificate.

(e) "Medical Certifier" means the physician, coroner, or medical examiner authorized by Code of Ala. 1975, §22-9A-14, to complete the medical certification on the death certificate with the cause of death information.

(f) "Minor Correction" means correction of an obvious error such as an impossible date, a misspelling of a geographical name, the transposition of letters in a common name, a license number or address of a medical certifier left blank, or another similar clerical mistake.

(g) "Registrant" means the person for whom a vital record has been filed.

(h) "State Registrar" means the "State Registrar of Vital Statistics" as designated in Code of Ala. 1975, §22-9A-3.

(i) "Statistical Research" means research as defined in Code of Ala. 1975, §22-9A-21 (c).

(j) "Vital Events" means births, deaths, marriages, divorces, fetal deaths, and induced terminations of pregnancy.

Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-1, 22-9A-2, 22-9A-3, 22-9A-14, 22-9A-21.
History: Filed September 1, 1982. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.02 Registration Districts.

(1) In addition to the Center for Health Statistics, each county in the state shall be a registration district as specified in Code of Ala. 1975, §22-9A-4.

(2) The local vital records office within each registration district shall be located within the county health department in each county. Counties may choose to locate vital record functions within branch offices of the county health department with permission of the State Registrar.

Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-4.
History: Filed September 1, 1982. **Amended:** Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.03 Certificates And Reports.

(1) Media for Filing Certificates and Reports.

(a) Unless this Chapter specifies the media for filing a certificate or report, information for certificates and reports of vital events required under Code of Ala. 1975, Title 22, Chapter 9A, including certifications and signatures, may be filed electronically or by other means. The media and format used for filing vital events information shall be prescribed by the State Registrar.

(b) All paper forms, computer software, or electronic media prescribed and distributed by the State Registrar for filing certificates and reports of vital events shall be used only for official purposes.

(c) No paper forms, computer software, or electronic media, except those furnished or approved by the State Registrar, shall be used in the reporting of vital events.

(2) Mandatory Electronic Filing for Certain Vital Events.

(a) Certificates of Birth and Reports of Fetal Death. Institutions that completed ten or more certificates of birth, reports of fetal death, or a combination thereof in the previous calendar year shall electronically prepare and file the following:

1. Certificates of birth, including registration of infants of unknown parentage; and

2. Reports of fetal death.

(b) Death Certificates

1. Physicians who completed ten or more death certificates in the previous calendar year and coroners and medical examiners shall electronically complete and submit the medical certification of death certificates. If a medical certifier subject to this requirement receives a death certificate in a non-electronic format, then the medical certifier may complete and submit the medical certification using any approved format.

2. An institution or funeral home shall electronically prepare, complete, and submit a death certificate unless the institution or funeral home must forward the death certificate to a medical certifier who is not required to complete or submit death certificates electronically.

3. If a medical certifier, institution, or funeral home does not have access to any computer with internet access, the State Registrar may exclude the medical certifier, institution, or funeral home from the electronic-filing requirement. A party seeking this exclusion shall apply for the exclusion by completing and submitting a form approved by the State Registrar.

4. The electronic filing of death certificates, as stated above, becomes mandatory on October 1, 2014.

(3) Information for Certificates. The following information shall be provided for the following certificates.

(a) Birth Certificates.

1. Information collected for birth certificates shall consist of date, time, and location of birth; name of child; sex; plurality and birth order if not single;

mother's information such as name, residence, and date and place of birth; father's information as provided in Code of Ala. 1975, §22-9A-7(f); attendant's information; and information for legal purposes such as certificate number and date filed.

2. Information that shall be collected for statistical research and public health purposes includes additional demographic information on the parents such as race, ethnicity, and education; information on prenatal care; information on mother's pregnancy history, risk factors, and other factors affecting pregnancy outcome; information on labor and delivery; information on the infant such as birth weight, gestation, and other factors affecting the health status of the infant; information on sources of care related to the pregnancy and methods of payment for that care; and other information needed to monitor public health programs. These items shall not appear on certified copies of birth certificates.

3. Additional information that may be collected for administrative and legal purposes but shall not appear on certified copies of birth certificates includes, but is not limited to, mailing address, phone number, and social security information.

(b) Death Certificates.

1. Information collected for death certificates to the extent known, shall include name of deceased; date, time and location of death; residence of deceased; identifying information on deceased such as date and place of birth, parents' names, and social security number; demographic information on deceased such as race, ethnicity, education, and occupation; marital status and name of spouse; information on the person providing the information; information on disposition of the body; information on the funeral director; the medical certification of cause of death; information on the person providing the medical certification; and other information as required for administrative and legal purposes.

2. If requested, certified copies of death certificates for deaths that occurred in 1991 or after, may be issued without the medical certification of cause of death.

(c) Marriage Certificates. Information collected for marriage certificates shall include names of the spouses; identifying and demographic information on the spouses; date and location where the marriage record was filed; and other information as required for administrative and legal purposes.

(d) Divorce Certificates. Information collected for divorce certificates shall include names of the spouses; identifying and demographic information on the spouses; date and location and reason for the divorce; information on children; and other information as required for administrative and legal purposes.

(4) Information for Reports. The following information shall be provided for reports required under Code of Ala. 1975, §22-9A-13.

(a) Reports of Fetal Death.

1. Information collected for reports of fetal death may include date and location of the event; name if given; sex; plurality; attendant's information; mother's information such as name, residence, and date and place of birth; father's information if the father has been legally determined; demographic information on the parents such as race, ethnicity, and education; information on prenatal care; information on mother's pregnancy history, risk factors, and other factors affecting pregnancy outcome; information on labor and delivery; and other information needed to monitor public health programs.

2. As specified in Code of Ala. 1975, §22-9A-13 (c), reports of fetal death are statistical reports only and certified copies of these reports are not issued. However, information from a report of fetal death on date, time, and location of the event; name if given; sex; plurality; mother's information such as name, residence, and date and place of birth; father's information if the father has been legally determined; and attendant may be provided only to the parents named on the report of fetal death in a non-certified format as prescribed by the State Registrar. All other information from reports of fetal death shall be considered confidential and may be used only for statistical research and public health purposes.

(b) Reports of Induced Termination of Pregnancy.

1. Information collected for reports of induced termination of pregnancy may include non-identifying information on the patient such as age, race, ethnicity, location of residence, education, and marital status; date of event; location of event; information to determine gestation; pregnancy history; type of procedure; name of attendant; other information required by law; and information needed for monitoring reporting of the events.

2. As specified in Code of Ala. 1975, §22-9A-13 (c), reports of induced termination of pregnancy are

statistical reports only and certified copies of these reports are not issued. Except as provided in Code of Ala. 1975, §22-9A-13 (b)(5), the only information released from these reports shall be in an aggregate format such that individuals, institutions, or physicians cannot be identified.

Author: Dorothy Harshbarger, Catherine Molchan Donald; Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-7, 22-9A-13, 22-9A-14.
History: Filed September 1, 1982. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Filed September 20, 2013; effective October 25, 2013. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.04 Name Of Child For Registration Of Birth.

(1) The parent(s) may give a child any name they wish for registration of birth. The surname of the child does not have to be the surname of either parent.

(2) The name entered on the birth certificate shall contain only English alphabetic characters, hyphens, and apostrophes. Other characters including numbers, periods, symbols, or non-English alphabetic characters may not be used.

Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-7.
History: Filed September 1, 1982. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.05 Names Of Parents For Registration Of Birth.

(1) Name of the Mother. The name of the woman who gives birth to the infant shall be entered for birth registration as the mother of the child unless an order from a court of competent jurisdiction issued prior to the birth determines otherwise.

(2) Name of the Father.

(a) Mother married either at time of conception or birth or between conception and birth:

1. As required in Code of Ala. 1975, §22-9A-7(f), the name of the mother's husband shall be entered as the father of the child unless an order from a court of competent jurisdiction has been issued prior to birth stating that a man other than the mother's husband is the father of the child.

2. If the mother indicates that her husband is not the father of the child and refuses to provide information about her husband to be entered for birth registration, a notation shall be entered indicating that the mother refused to provide the required information.

(b) Mother is not married at the time of either conception or birth or between conception and birth:

1. As required in Code of Ala. 1975, §22-9A-7(f), the name of the father shall not be entered for birth registration unless the father has been legally established prior to birth through an order from a court of competent jurisdiction or has been established by other legal means such as but not limited to, an Affidavit of Paternity as provided in Code of Ala. 1975, §26-17-22.

2. If the father of the child has been legally established prior to birth through an order from a court of competent jurisdiction or has been established by other legal means such as but not limited to, an Affidavit of Paternity as provided in Code of Ala. 1975, §26-17-22,

(a) The father's name may be entered for birth registration.

(b) The Affidavit of Paternity or other legal documents must be sent to the Center for Health Statistics for filing.

Author: Dorothy Harshbarger, Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-7, 26-17-22.
History: September 1, 1982. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.06 Registration Of Births For Infants Of Unknown Parentage.

(1) If an infant of unknown parentage is taken to an institution after delivery, the person in charge of the institution or his or her designated representative shall certify to the facts of birth to the extent known in the format currently used to provide birth certificate information.

(2) Information collected for birth registration for infants of unknown parentage shall be the same as the information collected for registration of other births to the extent that information is known or can be reasonably ascertained.

Author: Dorothy Harshbarger

Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-8.
History: **Emergency rule** filed March 23, 1984. **Permanent rule** filed June 14, 1984. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.07 Registration Before The Fifth Birthday Of Births Occurring Outside An Institution.

(1) When a birth occurs in this state outside an institution but is attended by a physician, the facts of birth shall be certified by that physician.

(2) When a birth occurs in this state outside an institution and the mother and infant are taken to an institution within 24 hours after the birth, the person in charge of the institution or his or her designated representative shall certify to the facts of birth.

(3) When a birth occurs in this state outside an institution and without the attendance of a physician or without the mother and infant being taken to an institution within 24 hours after the birth, the following additional documentary evidence must be provided to support the facts of birth:

(a) Evidence of pregnancy of the mother as shown by

1. One of the following documents provided directly from the original source:

a. Prenatal care record;

b. A written statement from a physician or other health care provider qualified to determine pregnancy;

c. Prenatal blood analysis or positive pregnancy test results from a laboratory; or

d. Notarized affidavit from employer that mother has been granted maternity leave.

2. If none of the documents above are available, notarized affidavits from at least three adult non-family members who were present at the delivery or who can provide sufficient information to support their knowledge of the pregnancy will be considered.

3. Other evidence acceptable to the State Registrar.

(b) Evidence that the infant was born alive as shown by

1. One of the following documents provided directly from the original source:

a. A written statement from a physician or other health care provider who saw or examined the infant, or

b. Documentation that the infant received service during a visit to a public health department.

2. If none of the documents above are available, notarized affidavits from at least three adult non-family members who were present at the delivery or who can provide sufficient information to support their knowledge that the infant was born alive will be considered.

3. Other evidence acceptable to the State Registrar.

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

1. If the birth occurred at the mother's place of residence:

a. A rent receipt or utility bill covering the period when the birth occurred that includes the mother's name, or the father's name if the parents are married, and the address where the birth occurred; or

b. Other probative evidence which establishes the above.

2. If the birth occurred outside the mother's place of residence:

a. If the mother is a resident of this state, a sworn affidavit from the tenant of the premises where the birth occurred that the mother was present at that location at the time of the birth, documentary evidence of that affiant's residence at the time the child was born; and documentary evidence of the mother's residence in this state at the time of birth; or

b. If the mother was not a resident of this state, documentary evidence that is acceptable to the State Registrar to support that the mother was in this state when the birth occurred.

(4) When the State Registrar has reasonable cause to question the validity or adequacy of the documentary evidence or a sworn statement provided, the birth shall not be registered.

(5) If the required evidence is not available and the State Registrar is unable to verify the facts of birth, the birth may not be registered except as provided in Code of Ala. 1975, §22-9A-10.
Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-7, 22-9A-9, 22-9A-10.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.08 Delayed Registration Of Birth Five Or More Years After The Date Of Birth.

(1) Prior to applying for registration of a delayed certificate of birth for an individual born in this state, the individual must have requested a search for his or her birth certificate and received a statement from the State Registrar that his or her birth certificate is not on file in the Center for Health Statistics.

(2) Upon receipt of the notification that his or her birth certificate is not on file in the Center for Health Statistics, the individual, the parent of a minor individual or legal guardian, or other legal representative acting on the individual's behalf and who knows the facts of birth may apply for registration of a delayed certificate of birth as provided in Code of Ala. 1975, §22-9A-9 by submitting a notarized affidavit stating the facts of birth along with the required fee, valid identification, and the required documentary evidence.

(3) To be acceptable, the documentary evidence submitted must support the facts of birth as stated in the affidavit and must meet the following criteria:

(a) The name of the registrant, the date of birth, and the place of birth must be consistent on all documents accepted as evidence to support the facts of birth.

(b) Other than an affidavit of personal knowledge as specified in Code of Ala. 1975, §22-9A-9(3)e, documents accepted as evidence to support the facts of birth must have been established at least five years prior to the date of application or prior to the tenth birthday of the individual, must be from independent sources, and must contain a statement or certification from the custodian of the record or document.

1. Acceptable documents include but are not limited to such documents as:

(i) Certified copy of a marriage record;

(ii) Certified copy of a birth certificate of applicant's child;

(iii) Early school records;

(iv) Social Security records;

(v) Passport;

(vi) Military records;

(vii) Federal government census records;

(viii) Government agency records for benefit establishment such as social services, Medicaid, clinical services, or similar services; or

(ix) Other documents acceptable to the State Registrar.

2. Family documents such as records from bibles or genealogical records are not acceptable.

(c) Only one document of each type may be used.

(4) Information contained on a delayed certificate of birth for births registered five or more years after the date of birth shall include, at minimum, the following:

(a) Name of registrant; date and location of birth; sex; mother's name; father's name if the father has been legally determined; information for legal purposes such as certificate number and date filed; and

(b) An abstract of the documentary evidence used to register the delayed certificate of birth that provides a description of the type of document, the date the original document was filed and by whom it was filed, and the information regarding the facts of birth contained in the document.

(5) If the applicant is unable to provide adequate documentary evidence to support the facts of birth, the birth may not be registered except as provided in Code of Ala. 1975, §22-9A-10.
Author: Dorothy Harshbarger; Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-9, 22-9A-10.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.09 New Certificates Of Birth Following Adoption, Legitimation, Parentage Determination, Or Paternity Acknowledgement.

(1) When a new certificate of birth shall be prepared:

(a) A new certificate of birth shall be prepared upon request for a child under 19 years of age following adoption, legitimation, or parentage determination as specified in Code of Ala. 1975, §22-9A-12.

(b) A new certificate of birth shall be prepared upon request for a child under 19 years of age upon receipt of an Acknowledgment of Paternity that has been completed as specified in Code of Ala. 1975, §26-17-22.

(c) A new certificate of birth shall be prepared upon request for a child under 19 years of age following legitimation by marriage as specified in Code of Ala. 1975, §26-11-1, provided no father's name is shown on the original birth certificate and no father has been legally acknowledged or adjudicated.

1. The following documents must be provided to establish the new certificate of birth following a legitimation by marriage:

(i) A certified copy of the parents' marriage certificate or information for locating the parents' marriage certificate if the certificate is filed in the Center for Health Statistics; and

(ii) A sworn declaration signed by both parents of the child stating the husband is the natural father of the child.

2. The documents presented along with the original certificate of birth shall be handled in the same manner as specified for legitimations and parentage determinations in Code of Ala. 1975, §22-9A-12.

(d) A new certificate of birth shall be prepared upon request for a child under 19 years of age upon receipt of order from the judge of probate upon legitimation of a child as specified in Code of Ala. 1975, §26-11-2, provided no father's name is shown on the original birth certificate.

(2) Format for the new certificate of birth following adoption, legitimation, parentage determination, or paternity acknowledgement:

(a) A new certificate of birth prepared prior to the child's nineteenth birthday may be prepared in alternate formats at the parents' request.

1. Unless the amendment format is requested by the parent(s), the new certificate of birth will be prepared on the form or in the format in use at the time the new certificate is prepared.

2. The parent(s) may choose to have the new certificate of birth prepared in the alternate format in use for an amended birth certificate at the time of its preparation.

3. If the name the child is to bear after a legitimation, paternity determination, or parentage acknowledgement is not specified in a court order, the parent(s) of a child under 19 years of age may request that the name of the child be changed at the time of preparation of the new certificate of birth. Additional documentation may be required to support the name change for the child.

4. A certificate of birth shall be prepared in compliance with Code of Ala. 1975, §§26-9A-11 and -12, and these Rules following an adoption, legitimation, or parentage determination ordered in another state or country.

(b) A new certificate of birth prepared after the child's nineteenth birthday shall be on the form or in the format in use for an amended birth certificate at the time of its preparation and shall follow the requirements for preparing an amended birth certificate as specified in Code of Ala. 1975, §22-9A-19, and these Rules.

Author: Dorothy Harshbarger; Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-12, 22-9A-19, 26-11-1, 26-11-2, 26-17-22.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.10 Medical Certification For Registration Of Death.

(1) As specified in Code of Ala. 1975, §22-9A-14, the fact of death and the cause of death shall be provided by the appropriate medical certifier if the cause of death can be determined at the time of death.

(2) To meet the 48-hour time limit specified in Code of Ala. 1975, §22-9A-14, if the cause of death cannot be immediately determined, or if the cause of death information is incomplete, the medical certifier shall certify that the death did occur and shall indicate that the cause of death is "Pending" or provide the

information about the cause of death that is known at the time he or she certifies to the fact of death.

(a) Upon obtaining information to determine the cause of death, the medical certifier shall forward the cause of death to the State Registrar as provided in Code of Ala. 1975, §22-9A-14(e), in a format that contains the same information as the medical certification portion of the current death certificate and provides sufficient information to identify the deceased individual.

(b) In the absence of the original medical certifier, the cause of death information shall be determined and forwarded to the State Registrar by one of the following:

1. If the death occurred in an institution, the chief medical officer of the institution shall forward the cause of death to the State Registrar;

2. If the medical certifier was a coroner, the current coroner in the same county where death occurred shall forward the cause of death to the State Registrar;

3. If the medical certifier was a medical examiner, another medical examiner in the same office as the medical examiner who originally completed the medical certification shall forward the cause of death to the State Registrar;

4. If the death occurred outside an institution and the original medical certifier was a physician in a group practice, another physician in that practice shall provide the cause of death to the State Registrar; or

5. If none of the above situations apply, the State Registrar may accept information on the cause of death from another physician, medical examiner, or coroner who has knowledge of the facts of the cause of death provided a sufficient explanation can be made as to why the original medical certifier cannot provide the cause of death.

(3) If, after completing the cause of death, the medical certifier wishes to provide supplemental information or make a change to the cause of death, that medical certifier shall forward the supplemental information or the changed cause of death to the State Registrar in a format that contains the same information as the medical certification portion of the current death certificate and provides sufficient information to identify the deceased individual.

(a) Only the medical certifier who originally provided the cause of death information may make a change to the cause of

death or provide supplemental information about the cause of death.

(b) Notwithstanding subparagraph (a) above, if the original medical certifier is deceased or cannot be located, the State Registrar may accept information to supplement or change the cause of death from another physician, medical examiner, or coroner who has knowledge of the facts of the cause of death only in circumstances where a sufficient explanation can be made as to why the original medical certifier cannot provide the information. If a sufficient explanation cannot be provided to satisfy the State Registrar, a cause of death will not be supplemented or changed.

(4) A death certificate that has information provided to complete, supplement, or change the cause of death is not considered to be an amended record. However, if the cause of death is shown when certified copies are issued, death certificates having supplemental information on the cause of death shall clearly show the original cause of death along with the supplemental information on the cause of death and appropriate information to indicate how the cause of death has been completed, supplemented, or changed.

Author: Dorothy Harshbarger

Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-14.

History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.11 Registration Of Deaths Without A Body.

(1) A death may be registered by the State Registrar as specified in Code of Ala. 1975, §22-9A-14, when a death is known to have occurred in this state and the location of the body is known, but the body cannot be physically recovered. The date and place of death and the medical certification must be completed by a state medical examiner or the county medical examiner or coroner in the county where the death occurred, provided he or she has sufficient information to determine the date, place, and cause of death.

(2) A death may be registered by the State Registrar as a presumptive death as specified in Code of Ala. 1975, §22-9A-14(g), upon receipt of an order of a court of competent jurisdiction when the court has sufficient evidence to determine that a death actually occurred in this state and the time, place, and circumstances of death, but the body cannot be located.

(a) The court order to establish a presumptive death certificate shall include all of the following information required to complete the death certificate:

1. Full name of the decedent;

2. Actual date of death as best it can be determined from the evidence presented;

3. County and place of death as best they can be determined from the evidence presented;

4. Identifying information on the decedent including date of birth, state of birth, race, sex, social security number, and parent(s) name(s);

5. Address of decedent's residence;

6. Marital status and surviving spouse if appropriate; and

7. The facts of death necessary to complete the medical certification including the cause of death; the manner of death as accident, suicide, homicide, or natural; and if the death occurred from an injury, information on how and when the injury occurred.

(b) The death certificate prepared by the State Registrar from the information in the court order and all certified copies of that death certificate shall show the date of the order and the name of the court issuing that order and shall be marked "Presumptive."

(3) If the death is registered within one year of the date of death, the death certificate shall be prepared on the current form or in the current format in use at the time of its preparation. If the death is registered more than one year after the date of death, the certificate shall be prepared in the appropriate manner for a delayed certificate and shall be marked "Delayed Registration."
Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-6, 22-9A-14.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.12 Delayed Registration Of Death.

(1) Prior to applying for registration of a delayed certificate of death for an individual who died in this state, the applicant must have requested a search for the death certificate and received a statement from the State Registrar that the death is not on file in the Center for Health Statistics.

(2) If a death certificate has not been filed within the time period required in Code of Ala. 1975, §22-9A-14, it shall be filed as prescribed in Code of Ala. 1975, §22-9A-15(a)(1).

(3) If the death certificate has not been filed within the time period required in Code of Ala. 1975, §22-9A-14, and the persons specified in Code of Ala. 1975, §22-9A-15(a)(1), are not available to sign the death certificate, it may be filed by the next of kin as specified in Code of Ala. 1975, §22-9A-15(a)(2). The documents required by Code of Ala. 1975, §22-9A-15(a)(2)b, must be contemporaneous writings from original sources that clearly identify the decedent and his or her date and place of death and contain sufficient information to identify when the documents were created. Such documents may include but are not limited to:

(a) Funeral home records;

(b) Hospital records;

(c) Cemetery records;

(d) Newspaper obituaries; or

(e) Other reliable and probative documents created at the time of death that are acceptable to the State Registrar.

Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-14, 22-9A-15.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.13 Final Disposition, Notice For Disinterment Of A Body, And Transportation Of Dead Human Bodies.

(1) Authorization for final disposition of dead bodies shall be in accordance with Code of Ala. 1975, §22-9A-16(a).

(2) Authorization for disinterment as required in Code of Ala. 1975, §22-9A-16(g), shall be handled as follows:

(a) The funeral director, or person acting as such, who intends to disinter a body must file a notice of disinterment with the State Registrar or the local registrar in the county in which the body is buried to indicate that he or she will abide by the Rules and Regulations of the State Board of Health which govern the disinterment, transportation, and disposition of dead human bodies.

(b) The State Registrar or local registrar shall provide a statement to the funeral director, or person acting as such, that the required notice has been filed. The acceptance of the

notice by the State Registrar or local registrar does not establish a legal right to disinter a body, but only indicates that the appropriate notice to follow the Rules and Regulations of the State Board of Health has been filed by the person carrying out the disinterment.

(c) The notice shall be filed on a form or in a format established by the State Registrar that includes the name of the decedent, the date of death, the cemetery or location where the decedent is now interred, the place where the decedent will be re-interred, and the name and address of the funeral director, or person acting as such, who is handling the removal of the body.

(d) The notice of disinterment shall be kept by the State Registrar or in the local health department following procedures established by the State Records Commission.

(3) All dead human bodies shipped by common carrier shall be in a sealed container; caskets and coffins containing human remains in a state of decomposition shall remain tightly and permanently closed.
Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-9A-2, 22-9A-16, 22-19-1.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.14 Delayed Registration Of Marriage.

(1) A record of a marriage performed in this state that has not been filed with the Center for Health Statistics within the time prescribed in Code of Ala. 1975, §22-9A-17, shall be registered if the marriage record is certified by the judge of probate in the county where the license was issued and forwarded by the judge of probate to the Center for Health Statistics.

(a) If the marriage is registered one year or more after the date of marriage, the certificate shall be marked "Delayed Registration."

(b) This rule shall not apply to marriage into which two persons entered on or after August 29, 2019.
Author: Dorothy Harshbarger, Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-17.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.15 Delayed Registration Of Divorce.

(1) A record of a divorce granted by a court in this state that has not been filed with the Center for Health Statistics within the time prescribed in Code of Ala. 1975, §22-9A-18, shall be registered if the divorce record is certified by the appropriate official of the court in which the divorce was granted and forwarded by that official to the Center for Health Statistics.

(2) If the divorce is registered one year or more after the date of divorce, the certificate shall be marked "Delayed Registration."
Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-18.
History: Filed June 21, 1990. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.16 Amendment Or Correction Of Birth Certificates.

(1) Birth certificates are presumed to contain accurate information on the facts of birth when they are filed with the Center for Health Statistics. Except to reflect changes in the registrant's name and/or sex as provided by Code of Ala. 1975, §22-9A-19(c) and §22-9A-19(d), birth certificates will be amended or corrected only to rectify errors in the facts of birth.

(2) A delayed certificate of birth placed on file with supporting documentation or by judicial procedure shall not be amended except to reflect changes in the registrant's name and/or sex as provided by Code of Ala. 1975, §22-9A-19(c) and §22-9A-19(d).

(3) Only the following persons may apply to have the facts of birth amended or corrected:

(a) If the registrant is 19 years of age or older or otherwise became emancipated by operation of law, application to amend a birth certificate must be made by the registrant. In the event of a registrant who is incapacitated and unable to make application, the legal guardian of the registrant may make application.

(b) If the registrant is under 19 years of age but over 13 years of age, application to amend a birth certificate may be made by the registrant, a parent of the registrant, or the legal guardian of the registrant.

(c) If the registrant is under 14 years of age, application to amend a birth certificate may be made by a parent of the registrant or the legal guardian of the registrant.

(d) Within one year of the date of birth, application to amend a birth certificate may be made by a representative of the hospital where the birth occurred.

(e) A woman claiming to be the mother of a child under 19 years of age but whose name is not shown on the birth certificate as the mother of that child may apply to have her name added to the birth certificate or to have the birth certificate amended to show the correct name of the mother.

(f) A man claiming to be the father of a child under 19 years of age but whose name is not shown on the birth certificate as the father of that child may apply to have his name added to the birth certificate or to have the birth certificate amended to show the correct name of the father.

(g) A person named on a birth certificate as a parent of the child may apply to have his or her name removed from the birth certificate as a parent of the child after that person has been determined by a court of competent jurisdiction not to be a parent of the child.

(h) Minor corrections to birth certificates may be made at the discretion of the State Registrar without specific application from one of the above.

(4) With the exception of minor corrections, an application to amend or correct a birth certificate must be made in writing by an authorized applicant and must be accompanied by any required fee.

(5) Correction of Minor Errors Within One Year of the Date of the Event:

(a) Correction of obvious errors, transposition of letters in words, or additions of omitted information may be made by the State Registrar based upon his or her observation or query.

(b) A notation documenting the source of information for the correction or addition and the date the change was made shall be maintained with the certificate but does not need to appear on certified copies of the certificate.

(c) The certificate does not need to be marked “Amended.”

(6) All Other Amendments or Corrections to Birth Certificates:

(a) To amend or correct errors of fact on a birth certificate, documentary evidence must be presented in support of the facts at birth. All documents presented must contain sufficient

information to clearly indicate that they pertain to the registrant on the birth certificate for which the correction has been requested.

1. Acceptable documents include, but are not limited to, documents such as:

(i) Certified copy of a marriage record;

(ii) Certified copy of a birth certificate of registrant's child;

(iii) Early school records;

(iv) Social Security records;

(v) Passports or visas;

(vi) Military records;

(vii) Federal government census records;

(viii) Government agency records for benefit establishment such as social services, Medicaid, clinical services, or similar services;

(ix) Court orders clearly establishing the facts to be amended;

(x) Medical records; or

(xi) Other documents deemed to be valid and adequate by the State Registrar to support the requested change.

2. Documents presented must be from independent sources. Family documents such as records from bibles or genealogical records are not acceptable.

3. Documents must be in the form of the original record or must be a duly certified copy or excerpt thereof from the original custodian of the record.

4. Only one document of each type may be used in cases where more than one document is required to support the facts.

5. The documents submitted must have been established prior to the registrant's nineteenth birthday or at least ten years prior to the date of application for the amendment or correction. The State Registrar may make exceptions for other documents such as court orders,

passports, or other evidence that clearly support the facts of birth.

(b) Amendment or correction of date of birth:

1. The date of birth cannot be changed to a date that is after the date the certificate was filed.

2. The date of birth may be changed up to 30 days within the same calendar year with two supporting documents provided that date is not after the date the certificate was filed.

3. Other changes to the date of birth may be made at the discretion of the State Registrar provided that a minimum of three documents adequately support that the registrant has consistently used the date from childhood and the change does not make the birth date after the date the certificate was filed. The change cannot be made if that change would be in conflict with any birth certificates filed in the Center for Health Statistics for other children of the same mother.

(c) Amendment or correction of registrant's name:

1. Minor misspellings or phonetic spellings of the registrant's name may be corrected with one piece of documentary evidence that supports the correction.

2. If the registrant is over 50 years of age, the first and/or middle names of the registrant as shown on the birth certificate may be corrected to the first and/or middle names the registrant has consistently used since early childhood with a minimum of two documents that support the correction.

3. If the registrant is over 50 years of age, the surname of the registrant as shown on the birth certificate may be corrected to the surname the registrant has consistently used since early childhood with a minimum of three documents that support the correction.

4. Other corrections to the name of the registrant may be made at the discretion of the State Registrar provided a minimum of three documents adequately support that the registrant has consistently used the name from early childhood.

5. If the registrant has obtained an order from an appropriate court changing his or her name as specified in Code of Ala. 1975, §22-9A-19(c), the registrant's name on his or her birth certificate shall be amended to show the new name of the registrant as given in the court

order. If the order changing a person's name is for a married person who took a different surname at the time of marriage, that surname does not need to be shown on the birth certificate provided the order also shows the surname used at the time of birth.

(d) Addition of registrant's name after the fifth birthday:

1. If the first and middle names are blank:

(i) The first and middle names may be added upon presentation of one document established at least ten years ago or prior to the fifth birthday that shows the name of the registrant along with the registrant's date of birth and parents' names.

(ii) A notation shall be shown on the birth certificate documenting that the names were added and by what authority.

(iii) The birth certificate does not need to be marked "Amended."

2. If the surname is blank and the surname to be added is the same as the surname of either parent shown on the birth certificate:

(i) The surname may be added to be the same as that of either parent shown on the birth certificate upon presentation of one document established at least ten years ago or prior to the fifth birthday that shows the name of the registrant along with the registrant's date of birth and parents' names.

(ii) A notation shall be shown on the birth certificate documenting that the surname was added and by what authority.

(iii) The birth certificate does not need to be marked "Amended."

3. If the surname is blank and the surname to be added is not the same as the surname of either parent shown on the birth certificate:

(i) The surname may be added to be a surname different from that of either parent shown on the birth certificate upon presentation of two documents as follows:

I. One document established at least ten years ago or prior to the fifth birthday that shows the name of the registrant along with the

registrant's date of birth and at least the name of one parent.

II. One additional document that clearly supports that the registrant has consistently used that surname from early childhood.

(ii) A notation shall be shown on the birth certificate documenting that the surname was added and by what authority.

(iii) The certificate shall be marked "Amended."

(e) Amendment to names of parents:

1. Minor misspellings of the names of the parents may be corrected with two pieces of documentary evidence that support the correction.

2. The name of a parent may be corrected if there is adequate documentary evidence showing that the name was entered incorrectly by the person preparing the birth certificate.

(i) The name of the mother may be corrected if that correction is supported by adequate documentary evidence showing the name of the mother is being corrected to clearly identify the person who gave birth to the child.

(ii) The name of the father may be corrected if that correction is supported by adequate documentary evidence showing the name of the father is being corrected to clearly identify the person who has been determined to be the legal father of the child.

3. Except as provided under Code of Ala. 1975, §22-9A-12, or as previously determined by a court of competent jurisdiction, the name of the father or mother will not be changed to show a different person.

(f) Amendment to other items on the birth certificate:

1. Signatures may not be amended.

2. Race of parents has not been on the birth certificate form since 1991. For years prior to 1991, race of parents will not be amended. However, an amended birth certificate may be prepared on the current form to no longer show that item on the birth certificate.

3. Other items on the birth certificate may be amended with adequate documentary evidence to support the

amendment. A previously-entered order from an Alabama circuit court determining the facts of birth may be used to amend or correct any item except signatures, the date of filing, and the date of birth to a date which is after the date of filing.

Author: Dorothy S. Harshbarger, Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-7, 22-9A-12, 22-9A-19.
History: **New Rule:** Filed November 20, 1997; effective December 25, 1997. **Repealed and New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.17 Amendment Or Correction Of Personal And Statistical Information On Death Certificates.

(1) Death certificates contain personal and statistical information about the decedent as provided to the funeral director, or person acting as such, by the informant listed on the death certificate. While information provided by the informant is presumed to be correct, it is recognized that the informant may not know all the correct information. Errors may also occur as the information is being entered into the death certificate by the funeral director.

(2) Who may apply to amend or correct personal and statistical information on death certificates:

(a) The informant listed on the death certificate;

(b) An immediate family member of the decedent;

(c) The administrator or executor of the decedent’s estate;

(d) The funeral home that filed the death certificate; or

(e) The legal representative of one of the above persons.

(f) Minor corrections to the personal and statistical information on death certificates may be made at the discretion of the State Registrar without a specific application from one of the above.

(g) A person who states he or she is the spouse of the decedent but whose name is not shown on the death certificate as the surviving spouse may make application to have his or her name added as the surviving spouse and the marital status amended.

(3) With the exception of minor corrections, an application to amend or correct the personal and statistical information on a

death certificate must be made in writing by an authorized applicant and must be accompanied by valid identification and any required fee.

(4) Correction of Minor Errors Within One Year of the Date of the Event:

(a) Correction of obvious errors, transposition of letters in words, or additions of omitted information may be made by the State Registrar based upon his or her observation or query.

(b) A notation documenting the source of information for the correction or addition and the date the change was made shall be maintained with the certificate but does not need to appear on certified copies of the certificate.

(c) The certificate does not need to be marked "Amended."

(5) Amendment or Correction of Entry Errors Made by Funeral Director to Personal and Statistical Information on Death Certificates:

(a) Errors made by the funeral director who completed the personal and statistical information on the death certificate may be corrected or amended for a period up to one year after the date the death certificate was filed, upon receipt of a written statement signed by the funeral director stating that he or she made the error in entering information onto the death certificate.

1. Changing the informant listed on the death certificate to another individual may require additional documentation to demonstrate that an error was made by the funeral home.

2. Changing the marital status and surviving spouse information listed on the death certificate may require additional documentation to demonstrate that an error was made by the funeral home.

(b) If the State Registrar has reason to question the validity or accuracy of the statement, he or she may request additional documentation in support of the facts.

(c) The certificate will be marked "Amended."

(6) All Other Amendments or Corrections to Personal and Statistical Information on Death Certificates:

(a) To amend or correct errors of fact in the personal and statistical information on a death certificate, documentary evidence must be presented in support of the facts. All documents presented must contain adequate information to

clearly indicate that they pertain to the registrant on the death certificate for which the correction has been requested.

1. Acceptable documents include, but are not limited to, documents such as:

(i) Certified copy of a marriage record;

(ii) Certified copy of a divorce record;

(iii) Certified copy of birth certificate of the decedent;

(iv) Social Security records;

(v) Passports or visas;

(vi) Military records;

(vii) Federal government records;

(viii) Government agency records for benefit establishment such as social services, Medicaid, clinical services, or similar services;

(ix) Court orders clearly establishing the facts to be amended;

(x) Medical records;

(xi) Written statement of funeral director that he or she made an error in entering information into the death certificate; or

(I) Other documents acceptable to the State Registrar.

(II) Documents presented must be from independent sources. Family documents such as records from bibles or genealogical records are not acceptable.

(III) Documents must be in the form of the original record or must be a duly certified copy or excerpt thereof from the original custodian of the record.

(IV) Only one document of each type may be used in cases where more than one document is required to support the facts.

(b) If a certified copy of the decedent's birth certificate is provided, no other documents are needed to correct the following items:

1. Misspelling of decedent's or parents' names;

2. Decedent's date of birth or age;

3. Addition of names of decedent's parents;

4. Decedent's state of birth; or

5. Decedent's sex.

(c) If verification of the social security number is provided directly from the Social Security Administration, no other documents are needed to correct the social security number of the decedent.

(d) Correction or amendment of marital status and surviving spouse other than errors of entry by the funeral director:

1. If the marital status is shown as divorced, widowed, or single with no surviving spouse listed and all of the following three conditions are met, the marital status shall be amended or corrected to married and the surviving spouse added:

(i) A notarized affidavit from the informant saying that an error was made and stating the correct information.

(ii) A certified copy of the marriage certificate showing that the person to be listed as the surviving spouse was married to the decedent.

(iii) No evidence can be found to show that the decedent and the person to be listed as the surviving spouse were granted a divorce from that marriage. Certified copies of statements from the states of residence of the decedent and the person to be listed as the spouse that no divorce certificate can be found after the date of marriage of the parties may be used to show that no divorce was granted.

2. If the marital status is shown as divorced, widowed, or single with no surviving spouse listed, a person claiming to have a common-law marriage may be added as the spouse and the marital status amended or changed to married, provided an order from a court of competent jurisdiction issued in a previous legal action found that the person was in a common-law marriage with the decedent at the time of his or her death.

3. If the marital status is shown as married and a surviving spouse is listed on the certificate, a death certificate of the spouse listed showing that the spouse died prior to the decedent may be used to change the marital status to widowed and remove the spouse shown.

4. If the marital status is shown as married and surviving spouse is listed as unknown or is blank on the

certificate, a certified copy of a marriage certificate must be provided to add the name of the surviving spouse.

5. If the marital status is shown as married and a surviving spouse is listed on the certificate, an order from a court of competent jurisdiction will be needed to change that spouse to a different person, or to change the marital status to divorced or single and remove the name of the spouse.

6. Other changes to marital status and surviving spouse will be made only upon the finding of a court of competent jurisdiction in an order that determined the marital status of the decedent and identified the surviving spouse, if appropriate.

(e) Amendment to other personal and statistical items on the death certificate:

1. Signatures may not be amended.

2. Other personal and statistical items on the death certificate may be amended with adequate documentary evidence to support the amendment. An order from an Alabama circuit court determining the facts may be used to amend or correct any item except signatures, the date of filing, and the date of death to a date which is after the date of filing.

Author: Dorothy S. Harshbarger, Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-14, 22-9A-19.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007.
Amended: Published October 31, 2022; effective December 15, 2022.

420-7-1-.18 **Amendment Or Correction Of Information Provided By The Medical Certifier On Death Certificates.**

(1) Application to correct the date of death or the medical certification on a death certificate shall be made by one of the following:

(a) The medical certifier who originally completed the medical certification on the death certificate.

(b) If the medical certifier was a coroner, the current coroner in the same county as the coroner who originally completed the medical certification.

(c) If the medical certifier was a medical examiner, another medical examiner in the same office as the medical examiner who originally completed the medical certification.

(d) If the death occurred in a facility and the medical certifier was a physician who is no longer in that facility, the chief medical officer of that facility.

(e) If none of the above situations apply, the State Registrar may accept a request to correct the medical certification from another physician, medical examiner, or coroner who has knowledge of the facts of the medical certification provided a sufficient explanation can be made on why the original medical certifier cannot make the correction.

(f) Minor corrections may be made at the discretion of the State Registrar without specific application from one of the above.

(2) With the exception of minor corrections, an application to make an amendment or correction to the date of death or the medical certification must be made in writing on a form or in format specified by the State Registrar and must contain the signature of the applicant.

(3) Correction of Minor Errors Within One Year of the Date of the Event:

(a) Correction of obvious errors, transposition of letters in words, or additions of omitted information may be made by the State Registrar based upon his or her observation or query.

(b) A notation documenting the source of information for the correction or addition and the date the change was made shall be maintained with the certificate but does not need to appear on certified copies of the certificate.

(4) No fee shall be charged for an amendment or correction of information provided by the medical certifier on death certificates and no certified copies will be issued to the medical certifier when the amendment or correction is made. However, an authorized applicant may request certified copies by submitting a separate application, providing valid identification, and paying the required fee for the number of copies requested.
Author: Dorothy S. Harshbarger, Nicole Henderson Rushing

Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-14, 22-9A-19.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007.
Amended: Published October 31, 2022; effective December 15, 2022.

420-7-1-.19 Amendment Or Correction Of Marriage Certificates.

(1) Corrections or amendments to marriage certificates must be processed through the probate court as specified in Code of Ala. 1975, §§30-1-16 and -17.

(2) Upon receipt in the Center for Health Statistics, certified copies of the Decree of Correction issued by the probate court shall be incorporated as part of the marriage certificate previously filed in the Center for Health Statistics. When certified copies of the marriage certificate are subsequently issued by the Center for Health Statistics, a copy of the Decree of Correction will be appended to the certificate.
Author: Dorothy S. Harshbarger , Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-17, 22-9A-19, 30-1-16.
History: **New Rule:** **New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.20 Amendment Or Correction Of Divorce Certificates.

(1) Corrections or amendments to divorce certificates must be processed through the circuit court that granted the divorce in the form of an order making the correction and shall contain at least the following information:

(a) Names of the spouses;

(b) Date the divorce was granted;

(c) Trial docket number;

(d) Identification of item with incorrect information; and

(e) Correct information.

(2) Certified copies of the order making the correction issued by the circuit court may be filed with the divorce certificate in the Center for Health Statistics and will be incorporated as part of that divorce certificate. When certified copies of the divorce certificate are subsequently issued by the Center for Health Statistics, a copy of the order making the correction will be appended to the certificate.

Author: Dorothy S. Harshbarger, Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-18, 22-9A-19.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007.
Amended: Published October 31, 2022; effective December 15, 2022.

420-7-1-.21 Divorce Certificates For Divorces Revoked Or Set Aside.

If the Center for Health Statistics receives notice from a circuit court that a divorce has been revoked or set aside, the Center for Health Statistics will keep the divorce certificate in its files and append a notice to that certificate that the divorce has been set aside. If any certified copies of that divorce certificate are subsequently issued by the Center for Health Statistics, a notice that the divorce has been revoked or set aside will be appended to the certificate.
Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-18, 22-9A-19.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007.

420-7-1-.22 Who May Obtain Certified Copies Of Vital Records.

(1) An applicant requesting a certified copy of a vital record must provide sufficient information to locate the record requested and to establish that it is a record the requestor is entitled to obtain.

(2) The registrant on a birth certificate may obtain certified copies of his or her own record if he or she is at least 14 years of age or is an emancipated minor.

(3) For purposes of obtaining certified copies of vital records, immediate family members are considered to be the following:

(a) Mother as listed on the record;

(b) Father as listed on the record or, if the father is not listed on the record, documentation must be presented to show that the requestor has been determined to be the father of the registrant;

(c) Adult brother or sister of the registrant;

(d) Adult son or daughter of the registrant; or

(e) Husband or wife of the registrant.

(4) A birth certificate may be obtained for a minor child by a grandparent who states in a written application that he or she has physical custody of the child. Others having physical custody of a minor child may be entitled to obtain certified copies of birth certificates for that child, but additional documentation may be required.

(5) Certified copies of Paternity Affidavits required under Code of Ala. 1975, §26-17-22, to be filed by the State Registrar are considered to be restricted in the same manner as birth certificates and may only be issued to those entitled to obtain certified copies of birth certificates.

(6) The informant listed on the death certificate may obtain certified copies of that death certificate.

(7) The executor or administrator of the decedent's estate may obtain certified copies of the decedent's death certificate.

(8) Representatives of government agencies may obtain certified copies of any vital record that is needed for the official use of their respective agencies. However, the request for the record must be made in writing and the required fee must be paid.

(9) A person entitled to obtain certified copies of a record under Code of Ala. 1975, §22-9A-21, and these Rules, may provide a written authorization for another individual to obtain the certified copy for him or her.

(10) The State Registrar may require any applicant for a vital record to provide documentation and/or identification to support that the applicant has a right to the record requested.

(11) The State Registrar may require any applicant for a vital record to provide documentation and/or identification to support that the applicant has a right to the record requested.

(a) Valid identification is required of any applicant requesting a birth certificate less than 125 years from the date of birth

(b) Valid identification is required of any applicant requesting a death certificate less than 25 years from the date of death.

(c) Valid identification is required of any applicant requesting the amendment or creation of a vital record.

(d) The State Registrar shall determine the forms of identification that are acceptable for vital records requests.

(e) The State Registrar may require additional identification when identification presented by an applicant is inadequate, illegible, or otherwise questionable.

(f) The State Registrar may refuse to issue a vital record to an applicant who is unable to provide adequate identification or who submits fraudulent identification.

Author: Dorothy Harshbarger, Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-21, 26-17-22.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007. **Amended:** Published October 31, 2022; effective December 15, 2022.

420-7-1-.23 Use Of Information From Vital Records For Statistical Research.

(1) All requests for use of information from individual vital records for statistical research purposes under Code of Ala. 1975, §22-9A-21(c), must be made in writing and contain the following information:

(a) Objectives of the particular study or research for which the information is requested;

(b) Peer review and approval of study protocol for any study that has contact with individuals or family members;

(c) Storage and security measures to be taken to assure confidentiality of identifying information and provision for destruction of the information at the conclusion of the study;

(d) Time frame of the study; and

(e) All intended uses of the data or information requested.

(2) Prior to release of individual vital record information for statistical research purposes under Code of Ala. 1975, §22-9A-21(c), the principal researcher must sign a statement agreeing to conform to the following conditions:

(a) Acknowledgement and agreement by the researcher that no data or information obtained for statistical research purposes will be released or published in any form that could identify a particular individual or institution;

(b) Acknowledgement and agreement by the researcher that data or information obtained for statistical research will not be used for legal or administrative actions against any individual or institution as a result of their identification for the study; and

(c) Acknowledgement and agreement by the researcher that the information will be used only for the study for which it was obtained and that additional approval will be sought prior to using the information for any other statistical study.

(3) Information may be released for statistical research in the form of non-certified copies of individual vital records or in the form of data files or other formats as designated by the State Registrar.

(4) Applications for release of individual vital record information for statistical research shall be reviewed by the State Registrar or his or her designated representative to ensure that such applications are for valid statistical research and that they meet the requirements of Code of Ala. 1975, §22-9A-21(c), and these Rules.

(5) The State Registrar shall refuse to provide individual vital record information requested for a statistical research study if the request does not meet the requirements specified in Code of Ala. 1975, §22-9A-21(c), and these Rules.
Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-21.
History: New Rule: Filed June 20, 2007; effective July 25, 2007.

420-7-1-.24 Format For Provision Of Information From The System Of Vital Records.

(1) The State Registrar may provide information to government agencies for their official use in the form of electronic files of information. Information contained in the files may only be used by those agencies as specified in any agreement established with those agencies or as specified by law. Those agencies may not re-release the information to others unless the agreement specifically allows them to do so or they are required to do so by law.

(2) The State Registrar may establish a system to receive requests from and provide information to government agencies through electronic media. Such requests must contain sufficient safeguards to ensure that they are from authorized individuals in the government agency.

(3) Birth certificates filed with the Center for Health Statistics with the first and/or last names indicated to be unknown or left blank may not be issued as certified copies until the names are added to the record through the appropriate process specified elsewhere in these Rules. If the name has not been determined and if the record is needed for a legal purpose or by a government agency, an appropriate notice must be placed in the name field when certified copies are made. If the registrant has died without

ever being named, an indication that the registrant was not named shall be placed in the name field prior to issuing any certified copy of the record.

(4) Birth certificates have been filed with the Center for Health Statistics in various formats since 1908. Some formats contained a section on the birth certificate that collected information for medical, statistical, and/or health use and clearly stated that the information was confidential and would not appear on certified copies of the birth record. Such confidential information shall be removed from the birth certificate and shall not appear on any certified copies of these birth certificates. However, that confidential information may be kept in a format designated by the State Registrar such that the information is available for statistical research and public health purposes only.

(5) Information related to vital records such as applications for copies of vital records, evidence used to amend vital records, and other documents related to vital records are considered confidential since they contain information used to identify particular vital records. However, if not elsewhere restricted by Code of Ala. 1975, and these Rules, copies of such documents may be released to government agencies if needed for official purposes.

(6) Certified copies of Paternity Affidavits required under Code of Ala. 1975, §26-17-22, to be filed by the State Registrar may be issued in the same manner as certified copies of other vital records with the statement and seal of the State Registrar.

(7) If not elsewhere restricted by the Code of Ala. 1975, and these Rules, copies of documents used to amend vital records or to request other changes to vital records may be released to the registrant, or a parent or guardian of the registrant if the registrant is under 19, upon written application and payment of a fee required to search for the record. Such copies shall not contain any official certification of the State Registrar.
Author: Dorothy Harshbarger; Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-21, 22-9A-22.
History: New Rule: Filed June 20, 2007; effective July 25, 2007.
Amended: Published October 31, 2022; effective December 15, 2022.

420-7-1-.25 Fees.

Fees to be paid to the Center for Health Statistics shall be as set out in Code of Ala. 1975, §22-9A-23.

(1) The portion of the fee for a search for or a certified copy of every vital record issued in a local registration district that shall be retained in the local office shall be

five twelfths (5/12) of the fee set in Code of Ala. 1975, §22-9A-23(a)(1). The remainder of the fee shall be forwarded to the State Board of Health for operation and maintenance of the vital records system.

(2) The portion of the fee for each additional certified copy of every vital record issued in a local registration district that shall be retained in the local office shall be one half (1/2) of the fee set in Code of Ala. 1975, §22-9A-23(a)(2). The remainder of the fee shall be forwarded to the State Board of Health for operation and maintenance of the vital records system.

(3) The fee for any request that involves a search for a particular record to locate a requested document such as a Paternity Affidavit, documents filed with a record, or any other documents associated with a record other than a sealed file, shall be at minimum the fee specified in Code of Ala. 1975, §22-9A-23(a)(1).

(4) The fee for a search that requires opening a sealed file for processing shall be at minimum, the fee specified in Code of Ala. 1975, §22-9A-23(a)(5).

(5) Appropriate fees for the preparation of statistical research requests shall be determined by the State Registrar but shall, at minimum, cover the cost of staff time for production of the information requested. Additional amounts may be charged to cover the costs of the operation and maintenance of the vital records system used to collect the information provided for the statistical research.

(6) As specified in Code of Ala. 1975, §22-9A-23(a)(1), fees paid for a search of the records cover the cost for making the search and reporting the findings of that search. Fees for the search are not refundable if a record cannot be located. Instead, an official report of the findings of the search shall be issued in a format determined by the State Registrar.

(7) Unless otherwise specified in the Code of Ala. 1975, and these Rules, fees for special processes such as amendment or correction, new certificate after adoption or paternity determination, delayed certificate, etc. must be paid along with the application for such request and prior to processing such request. Fees paid cover the costs involved for staff time to handle the request and fees are not refundable if the request cannot be completed due to lack of sufficient or adequate documentation as required in the Code of Ala. 1975, and these Rules.

(8) If a court orders an action to be completed to a birth certificate or the law requires an action to be taken to a birth certificate on file in the Center for Health Statistics,

that action may be processed prior to receiving the fee for the action. Once the action has been completed, the fee must be paid by the registrant, one of the registrant's parents if the registrant is under 19, or the legal guardian of the registrant before a certified copy of the record may be issued to any of those individuals.

Author: Dorothy S. Harshbarger; Nicole Henderson Rushing
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-23.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007.
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420-7-1-.26 Administrative Appeals.

Any party aggrieved by the State Registrar's refusal to issue a copy of, or information from, a vital record, or refusal to amend, change, supplement or create a vital record, except for the judicial procedure to establish the facts of birth as set out in Code of Ala. 1975, §22-9A-10, may appeal from that decision pursuant to the State Board of Health's contested case rules, Rule 420-1-3-.01, et seq., Ala. Admin. Code.

Author: Dorothy Harshbarger
Statutory Authority: Code of Ala. 1975, §§22-9A-2, 22-9A-10.
History: **New Rule:** Filed June 20, 2007; effective July 25, 2007.