

# PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

## LCB File No. R066-16

(This draft replaces the one posted May 12, 2016;  
NAC 440.400 is now in LCB File No. R077-16)

**Section 1.** Chapter 440 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 6.

**Section 2.** *“Homebirth” means the live birth of a child in an establishment outside of a hospital and the child is not immediately transported to a hospital as described in NRS 440.280 (2).*

### **Section 3.**

*Prerequisites for filing birth certificate for a homebirth.*

- 1. A person for whom a birth certificate for a homebirth is to be filed must have been born in Nevada and a birth certificate must have not have been previously filed in this state, any other state or any country.*
- 2. The State Registrar of Vital Statistics must find that the following facts have been established concerning the person whose birth is to be registered:
  - (a) Parentage;*
  - (b) Pregnancy;*
  - (c) Live birth; and*
  - (d.) Birth occurred in Nevada**
- 3. An applicant for filing a birth certificate for a homebirth must present documentary evidence to prove each of those facts to establish birth as prescribed in section 1 subsection (a – d).*

### **Section 4.**

- 1. The State Registrar of Vital Statistics or the State Registrar’s designated representative shall determine whether documentary evidence submitted is sufficient to warrant the filing of a birth certificate. The Registrar or such a representative may deem any documentary evidence as insufficient and at any time may institute a thorough and independent investigation of a case.*
- 2. Any document for a homebirth must be authenticated by being an original document or a copy of a verifiable document. The Registrar may allow documents not otherwise authenticated to be accompanied by an affidavit from the applicant declaring the authenticity of the document or the applicant’s belief in the truth of its contents.*
- 3. Documents that show erasures or alterations must not be accepted as proof of the facts of birth. Where an applicant for a birth certificate for a homebirth has been unable to furnish documentary evidence, a complete statement of the facts and the reason for the absence of such evidence must be noted on birth record.*

*1. The types of documentary evidence which the State Registrar of Vital Statistics may accept to establish parentage:*

*(a.) Photo ID; and*

*(b.) Two completed witness information forms established by the State Registrar.*

*2. The types of documentary evidence which the State Registrar may accept to establish pregnancy:*

*(a.) Prenatal record; or*

*(b.) An affidavit from the licensed physician, public health nurse or other qualified health care provider seen during pregnancy; or*

*(c.) Ultrasound*

*3. The types of documentary evidence which the State Registrar may accept to establish live birth:*

*(a.) Affidavit from the licensed physician, public health nurse or other qualified health care provider who saw or examined the baby within 14 days of birth; or*

*(b.) Physical appointment with state or local registrar with baby.*

*4. The types of documentary evidence which the State Registrar may accept to establish birth in registration district:*

*(a.) A Nevada utility bill showing residency at the time of birth that also shows a parent's name;*

*(b.) A credit card or debit card transaction that includes the date and location of the transaction*

## **Section 5.**

*1. If midwife provides sufficient certification documentation and an active State of Nevada business license, access to the state's electronic birth registration system may be granted for filing birth certificate of homebirth.*

*2. If sufficient certification documentation is not provided, filing of homebirth birth certificate will require the listed documentary evidence for registering homebirth to be submitted to State Registrar in person or by mail.*

*3. The types of certification documentation which the State Registrar of Vital Statistics will accept to establish access to the electronic birth registration system for a midwife include a valid business license and one of the following:*

*(a.) Licensure or certification from a Nevada state licensing board;*

*(b.) Certification from American Midwife Certification Board;*

*(c.) Certification from North American Registry of Midwives; or*

*(d.) Certification of completion from other method of midwifery training, apprenticeship, or midwifery school*

## **Section 6.**

*The state or local registrar may issue burial or removal permit without a completed certificate of death or certificate eligible to be registered for coroner or medical examiner cases pending investigation or for any situation requiring significant difficulty or expense.*

**Section 7.**

*When the cessation of the cardiovascular and respiratory functions of a patient occurs and, when applicable, all resuscitative efforts are without success a physician licensed pursuant to chapter 630, 630A or 633 of NRS or a physician assistant or a registered nurse authorized by a physician pursuant to NRS 440.415 shall pronounce death.*

*A licensed EMS professional shall pronounce death in accordance to EMS protocol. If the death is reported to the Coroner's office the pronouncement time shall then be communicated to the coroner or his/her designee.*

*The coroner or his/her designee may pronounce death if no official pronouncement has been made prior to his physical examination of the patient.*

**Section 8.** NAC 440.010 is hereby amended to read as follows:

As used in this chapter, "State Registrar" has the meaning ascribed to it in NRS 440.060. The term includes the State Registrar's appointed ~~deputies~~ *designees*.

**Section 9.** NAC 440.020 is hereby amended to read as follows:

If any provision of NAC 440.010 to 440.~~210~~*400 and sections 2 through and 6*, inclusive, is declared unconstitutional or invalid for any reason, the remainder of those provisions are not affected thereby.

**Section 10.** NAC 440.0215 is hereby amended to read as follows:

Except as otherwise provided in NAC 440.022, the State Registrar or the State Registrar's designee may provide a *data or statistical* index that contains information from the vital statistics records that he or she maintains to a person who does not have a direct and tangible interest in that information if:

1. The person who requests the information:
    - (a) Submits evidence that is satisfactory to the State Registrar or the State Registrar's designee that the person is requesting the information for a legitimate *public health* research *purposes*;
    - (b) Specifically describes the type of information he or she is requesting; and
    - (c) Pays all applicable fees; and
  2. The index contains:
    - (a) Only names of persons and their corresponding places and dates of birth or death; or
    - (b) Other information set forth in the vital statistics records the State Registrar maintains but does not identify the persons to whom that information relates.
- The index must not contain any social security numbers or residential addresses.
- 3. An index cannot be requested using identifying information such as names or residential addresses.*

**Section 11.** NAC 440.022 is hereby amended to read as follows:

The State Registrar may furnish any federal, state, *or* local ~~for other public or private~~ agency with any information contained in the vital statistics records the State Registrar maintains if the agency:

1. Is required by state or federal law to maintain the confidentiality of the information; ~~for~~
2. Agrees in writing to maintain the confidentiality of the information;
3. *The person is requesting the information for legitimate government purposes; and*
4. *Pays all applicable fees.*

**Section 12.** NAC 440.023 is hereby amended to read as follows:

1. A request to alter or correct information other than medical information on a certificate of:

(a) Birth must originate with the person whose birth is registered on the certificate or the person's parent, guardian or legal representative.

(b) Death or fetal death must originate with the funeral director, certifier or informant listed on the certificate.

2. A request to alter or correct the medical information on a certificate of birth, death or fetal death must originate with the certifier of the medical information on the record.

(Added to NAC by Bd. of Health, eff. 12-3-84)

**Section 13.** NAC 440.026 is hereby amended to read as follows:

1. A person who requests ~~that~~ the State Registrar ~~for local registrar~~ *to* alter or correct a certificate of birth, death or fetal death must prepare an affidavit in support of the request and file it with the State Registrar ~~for the local registrar in the county in which the certificate originated~~ if:

(a) The certificate has been ~~sent to the State Registrar and he or she has~~ assigned ~~it~~ a *state* file number; *or*

(b) Any certified copy has been issued;

(c) The proposed alteration ~~is a major one~~ *does not require a court order.*

2. Except as otherwise provided in NAC 440.035, if the State Registrar finds that the *submitted* evidence supporting a request for a ~~major~~ alteration is satisfactory, the State Registrar shall alter the original certificate and send a copy of it to the local registrar.

3. A local registrar who receives such an affidavit:

(a) Shall not alter his or her copy of the certificate; and

(b) Shall replace the existing copy in his or her files with a copy of the certificate after alteration by the State Registrar.

**Section 14.** NAC 440.030 is hereby amended to read as follows:

1. An affidavit for alteration or correction of a certificate, *which includes, but is not limited to the alteration or correction of any date of birth, date of death, age, any part of the location of the birth or death, gender on a birth or death certificate, time of birth, hour of death, a birth place on a birth or death certificate, any part of an address location on the birth or death certificate, the certifier or attendant information for a birth certificate, any part of the cause of*

*death section including any injury information, if the death was due to a communicable disease, any funeral director or certifier information on a death certificate, any disposition information of the decedent's remains on a death certificate, the occupation, industry, education, social security number, race, ethnicity, or military service information on a death certificate or any name on a certificate where an error can be proven, must consist of two parts as follows :*

(a) The first part must consist of an ~~{principal}~~ affidavit in which the affiant sets forth the facts that are not correctly stated on the certificate and also sets forth the changes necessary to correct the certificate.

(b) The second part must consist of a supplementary affidavit *or other verifiable evidence* corroborating the facts contained in the principal affidavit. ~~Any {The}~~ supplementary affidavit must be executed by a person other than the affiant of the principal affidavit.

2. The State Registrar ~~{for the local registrar}~~ may accept the affidavit for alteration or correction of a certificate only if the affiants:

(a) Have signed ~~{both parts}~~ *any affidavits* and these signatures are notarized; and

(b) Have personal knowledge of the facts stated therein *and have provided sufficient verifiable evidence to support. Personal knowledge is defined as cognizance of a circumstance or fact gained directly through firsthand experience or observation, which may have been gained through personal, familial, medical or professional relationship with the individual.*

**Section 15.** NAC 440.035 is hereby amended to read as follows:

The State Registrar ~~{for local registrar}~~ shall not alter or correct any certificate *assigned a state file number* without an order from a court of competent jurisdiction if that proposed alteration:

1. Consists of the substitution of the name of a different *name or* person as surviving spouse of the deceased *or changes the name or marital status of the deceased person* on a death certificate, where the evidence offered to support the action is contradictory or otherwise unsatisfactory;

2. Consists of the substitution of a different ~~{sur}~~name for a child whose birth is registered on the certificate or a different name for either of his or her parents *except as otherwise provided in NRS 440.280 (6)(c);* or

3. Would indicate some other ~~{fundamental}~~ change in a legal relationship ~~{or other material changes}~~ *but does not include the change of a middle name to a middle initial, middle initial to a middle name or the informant on a death certificate.*

**Section 16.** NAC 440.040 is hereby amended to read as follows:

1. A person ~~{who}~~ *may* request~~{s that}~~ *from* the State Registrar or a local registrar *to* alter or correct a certificate of birth, death or fetal death ~~{need not}~~ *without* ~~{prepare}~~ preparing an affidavit in support of the request if:

(a) The original certificate is still held by the *State Registrar or* local registrar~~{, or if it has been sent to the State Registrar and he or she has not yet assigned it}~~ *and has not been assigned a state file number; or*

(b) No certified copy of the certificate has been issued; ~~{and}~~

~~{(c) The proposed alteration is minor.}~~

2. If the state or local registrar finds that the evidence supporting a request for an ~~minor~~ alteration of a certificate is satisfactory, he or she shall *authorize the* alteration of the ~~original~~ *certificate*.

**Section 17.** NAC 440.060 is hereby amended to read as follows:

1. The State Registrar may prepare a replacement certificate.
2. To the extent possible the information on the certificate must be copied directly from the old certificate to the new certificate.
3. Except for the local registrar's signature, the signatures required for the certificate must be typed *or entered*<sup>1</sup> in conformity with the signatures appearing on the original certificate. The item labeled "Registrar Signature" must be signed by the State Registrar.
4. The original certificate must be retained for permanent filing.
5. ~~Notation must be clearly placed upon t~~ The new ~~certificate~~ *record shall be noted that it* is a replacement certificate for an original certificate on file.

**Section 18.** NAC 440.070 is hereby amended to read as follows:

1. The district health officer of Washoe County and the district health officer of Clark County may issue a certified copy of a certificate of birth or death if the certificate was originally filed with that district health office. The district health officer shall issue a certified copy in the manner set forth in NRS 440.650.
2. As used in NRS 440.650, a "direct and tangible interest" means a:
  - (a) Direct relationship by blood or marriage *to the second degree of consanguinity / affinity* to the person named on the certificate;
  - (b) Legal relationship to the person named on the certificate; ~~or~~
  - (c) Requirement imposed by law or otherwise to facilitate legal process; *or*
  - (d) *A funeral director or his or her designee from the funeral home listed on the death certificate within 120 days from the date of registration.*

**Section 19.** NAC 440.075 is hereby amended to read as follows:

1. The statistical portion of a certificate of birth, death or fetal death is for medical and health use only and must not be reproduced as part of a certified copy.
2. A certified copy of a certificate of birth, death or fetal death must be made on paper of the following quality:
  - (a) Banknote *security* paper; or
  - (b) ~~Paper designed for use in a microfilm copier~~ *Other security paper as determined by the State Registrar or his or her designee.*
3. *The specifications for security paper shall be determined by the State Registrar or his or her designee and the local registrars. Each county shall use the same type of paper.*
- ~~3~~ 4. When the State Registrar prepares a new birth certificate in the English language pursuant to the provisions of NRS 440.303, the State Registrar shall prepare the certificate on ~~banknote~~ *security* paper of a different color from that used for preparing copies of certificates for births, *deaths and fetal deaths* occurring in this state.

**Section 20.** NAC 440.080 is hereby amended to read as follows:

1. The form known as “affidavit for correction of a record” must be used for ~~fa supplementary report of~~ a given name when the given name has been omitted on the original certificate.

2. The affidavit~~s~~ *for correction of a record* must be completed during the lifetime of the child in accordance with the procedures for correction of a certificate now on file described in NAC 440.030 ~~and 440.040~~.

~~3. The name of the child must be entered on the face of the certificate when possible, and the proper notation made on the reverse side of the certificate.~~

**Section 21.** NAC 440.110 is hereby amended to read as follows:

In the case specified by NRS 440.325, all information needed for the new certificate except the name of the child *and* the information related to the father ~~and the name of the informant must be obtained from the original certificate~~ *must be obtained from the original certificate*. The name of the child and the name, age and state of birth of the father must be obtained from the ~~document~~ *court order or Declaration of Paternity* filed by the father *or mother with the State Registrar*. ~~The name of the father may appear on the line “Informant.”~~

**Section 22.** NAC 440.120 is hereby amended to read as follows:

In preparing a new certificate of birth pursuant to NRS 440.310, the items specified by the *certified copy of the adoption decree and the certified report of adoption* must ~~be~~ *match and be* completed as specified. If *any of* the information needed to complete the *new certificate* ~~items labeled “Child” and “Certifier”~~ is not specified by the adoption decree *or the report of adoption form*, the information must be transcribed directly from the original certificate. The information needed to complete the ~~items labeled~~ *“Parent or Mother” and “Parent or Father”* ~~in the upper~~ *sections* of the certificate must be collected ~~on a~~ *from the report of adoption form* devised for that purpose by the State Registrar. *The names of the “Parent” and “Parent” on the report of adoption form must match the adoption decree. Any names or suffixes omitted on the adoption decree may be added if listed on the certified report of adoption form.* ~~The item labeled “Informant” may show the name of one of the parents named on the certificate. All other items must be transcribed directly from the original certificate.~~

**Section 23.** NAC 440.150 is hereby amended to read as follows:

On any new birth certificate prepared by the State Registrar as specified in NAC 440.100 to 440.140, inclusive, the item labeled “Certifier Signature” must be *typed or entered* in conformity with the signature appearing on the original certificate and the item labeled “Registrar Signature” must be signed by the State Registrar.

**Section 24.** NAC 440.155 is hereby amended to read as follows:

A ~~county health officer~~ *State or local registrar* may issue an abstracted certificate of birth if the abstracted certificate contains ~~at least~~ *only* the following information:

1. Name of the person whose birth is recorded on the certificate;
2. Date of the birth of the person whose birth is recorded on the certificate;
3. *State File* Number of the original certificate;
4. Race or ethnicity of the person whose birth is recorded on the certificate;
- ~~5. Maiden name of the mother of the person whose birth is recorded on the certificate;~~
- ~~6.~~ 5. Sex of the person whose birth is recorded on the certificate;
- ~~7.~~ 6. Date of ~~issuance~~ *registration* of the original certificate; *and*
7. *Birthplace of the person whose birth is record on the certificate.*
- ~~8. Date of issuance of the abstracted certificate.~~

**Section 25.** NAC 440.160 is hereby amended to read as follows:

1. The person who is required to certify the cause of death shall complete the portions of the death certificate pertaining to the cause of death and the certification of death ~~and return the certificate to the undertaker or person acting as undertaker who presented it to him or her~~ within 48 hours after such presentation *or being assigned as the certifier.*

2. If the death did not occur in a hospital or other institution and the death was attended by a physician who will not be available within 48 hours after the death, the certificate must be presented *or assigned* to an associate physician who has access to the attending physician's medical files on the deceased. The associate physician shall complete and *certify* ~~return~~ the death certificate *within 48 hours after such presentation or being assigned as the certifier.*

3. If the death occurred in a hospital or other institution and the death was attended by a physician who will not be available within 48 hours after the death, the certificate must be presented *or assigned* to the chief medical officer of the institution or an associate physician who has access to the medical records of the deceased. The chief medical officer or associate physician shall complete and *certify* ~~return~~ the death certificate *within 48 hours after such presentation or being assigned as the certifier.*

*4. Any certificate rejected for the certification of cause of death or lack of information or certifier signature shall be completed by the certifier with 24 hours of the rejection.*

**Section 26.** NAC 440.165 is hereby amended to read as follows:

**NAC 440.165 Statement of the cause of death.** (NRS 440.120, 440.380, 440.410)

1. The statement of the cause of death in a medical certificate of death *is the certifier's best medical opinion and* must be:

- (a) Written legibly *when completed on a paper certificate.*; and
- (b) Expressed clearly and concisely.

2. The State Registrar or local registrar shall return a medical certificate of death to the certifier to be corrected or made more definite if the statement:

- (a) Consists of only the term "natural causes";
- (b) *Consists solely of mechanisms of death which merely attests to the fact of death* or ~~it~~ contains any other indefinite or obsolete term which denotes only the symptom of a disease or the conditions resulting from a disease;
- (c) Is illogically or confusingly written; or
- (d) Contains ~~personal~~ abbreviations, *misspellings* or is written in shorthand *or all capital letters.*

3. Part I of the statement of the cause of death in the standard certificate of death approved by the United States Public Health Service may contain only the sequence of disease or the injury or other trauma directly resulting in death, as follows:

- (a) Line “A” must show the immediate (primary) cause of death;
- (b) Line “B *and C*” must show the contributory or intermediate cause of death; and
- (c) Line “~~C~~ D” must show the underlying cause of death.

□ The underlying cause of death must be the last cause listed. If there ~~is~~ *are* no intermediate causes, the underlying cause must be entered on line “B”. If the immediate cause and the underlying cause are synonymous, only one entry is necessary. *It is permissible for a certifier to qualify a cause of death as “probable” or “presumed” even if it has not been definitively diagnosed.*

4. Part II of the statement of the cause of death must show the diseases, injuries or other factors which are medically or statistically significant but not directly related to the cause of death.

5. The statement of the cause of death must be submitted electronically by the certifier to an electronic death registry system approved by the Division of Public and Behavioral Health of the Department of Health and Human Services and attested to by the certifier by means of an electronic signature.

6. As used in this section, “electronic signature” means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(Added to NAC by Bd. of Health, eff. 12-3-84; A by R126-12, 2-20-2013)

**Section 27.** NAC 440.170 is hereby amended to read as follows:

Except as otherwise provided in NAC 440.180, a death shall be considered to have been attended by a physician if the deceased:

1. Had ~~seen~~ *been examined, treated which includes the prescribing of medications, or provided care by* the physician ~~professionally~~ *for an acute or chronic condition* within ~~3~~ *180* days preceding the death;
2. Was pronounced dead by a registered nurse *or physician assistant* pursuant to NRS 440.415; or
3. Was diagnosed by a physician as having an anticipated life expectancy of not more than 6 months.

**Section 28.** NAC 440.180 is hereby amended to read as follows:

If the deceased had been under a physician’s care under the conditions set forth in NAC 440.170, but the cause of death was unrelated to the purpose for which the deceased consulted the physician, the death shall not be considered to have been attended and must be referred to the ~~local health officer~~ *county coroner or medical examiner for review.*

**Section 29.** NAC 440.190 is hereby amended to read as follows:

1. Within ~~a reasonable time~~ *72 hours* after any disinterment or removal of human remains, the funeral director or person who performed the disinterment shall send a copy of the permit for the disinterment *and an affidavit for correction of a record* to the State Registrar.

2. Upon receipt of the copy, the State Registrar shall:
  - (a) Change the statement of the place of interment on the certificate of death to show the new place of interment if the remains have been interred in a new place; and
  - (b) Send a copy of the changed certificate to the local registrar in the county of the new place of interment.

**Section 30.** NAC 440.300 is hereby amended to read as follows:

As used in NAC 440.300 to 440.360, inclusive, “delayed certificate of birth” means a certificate of a person’s birth filed more than ~~{4} 1 year{s}~~ after the ~~{time prescribed for its filing}~~ *person of record’s date of birth*.

**Section 31.** NAC 440.310 is hereby amended to read as follows:

1. A person for whom a delayed certificate of birth is to be filed must have been born in Nevada, and a birth certificate for the person must not have been previously filed in this state, *any other state or country. The applicant must provide verification from the State Registrar or local registrar that a current registered birth record does not exist within the State of Nevada.*

2. Before filing a delayed certificate of birth, the State Registrar of Vital Statistics must find that the following facts have been established concerning the person whose birth is to be registered:

- (a) Date of birth;
- (b) Birthplace; and
- (c) Parentage.

3. An applicant for the filing of a delayed certificate *of birth* must present at least two documents from independent sources to prove *each of* those facts *to establish birth as prescribed in section 2 subsection (a – c).* ~~{unless such documentary evidence is not available. If it is not, the applicant must present all other evidence available to him or her.}~~ *A document may be used to prove any or all of those facts.* In certain cases, to be determined by the Registrar, the applicant’s inability to furnish documentary evidence does not preclude the Registrar from filing the certificate.

**Section 32.** NAC 440.320 is hereby amended to read as follows:

1. Any document presented must be at least 5 years old in order to be considered as evidence, except where:

- (a) The person whose birth is involved is less than 12 years of age; or
- (b) The Registrar determines to take into account more recent records in his or her investigation of the case.

2. Any document *must be authenticated by being an original copy, a verifiable copy or notarized copy in a sealed file from the independent source.* *The Registrar may allow documents* not otherwise authenticated ~~{must}~~ *to* be accompanied by an affidavit from the applicant declaring the authenticity of the document or the applicant’s belief in the truth of its contents.

3. Documents that show erasures or alterations must not be accepted as proof of the facts of birth.

*4. All accepted documentary evidence shall be listed as part of the delayed certificate of birth record.*

**Section 33.** NAC 440.330 is hereby amended to read as follows:

The types of *documentary* evidence which the State Registrar of Vital Statistics may accept to establish the facts necessary for the filing of a delayed certificate of birth follow in the order of preference:

1. A hospital record of birth.
2. A physician's record of birth.
- ~~3. A certificate of baptism or confirmation, a cradle roll or other church record.~~
- ~~4~~ 3. An affidavit. If the affidavit is to prove the date of the applicant's birth, the affiant must state why he or she knows and remembers the date. The relationship of the affiant to the applicant must be stated in the affidavit.
4. *A Nevada utility bill showing residency at the time of birth that also shows a parent's name.*
5. *A United States Census record.*
6. *A Social Security numident record.*
7. *A full page newspaper notice of birth showing the name and date of birth.*
8. *A certificate of baptism or confirmation, a cradle roll or other church record.*
- ~~9~~ 9. An entrance record from a school.
- ~~10~~ 10. An insurance policy or a copy of a signed application for an insurance policy.
- ~~11~~ 11. A certificate of discharge from the Armed Forces.
- ~~12~~ 12. A record in a family bible if the information was recorded before the applicant's ~~fourth~~ first birthday.
- ~~13~~ 13. A driver's license.
- ~~14~~ 14. A marriage record.
- ~~15~~ 15. A record of a voter's registration.
- ~~16~~ 16. An employment record.
- ~~17~~ 17. A birth certificate of the applicant's child.
- ~~18~~ 18. A record from an organization of which the applicant is or was a member.
- ~~19~~ 19. Any other relevant document.

**Section 34.** NAC 440.340 is hereby amended to read as follows:

1. The State Registrar of Vital Statistics or the State Registrar's designated representative shall determine whether documentary evidence submitted is sufficient to warrant the filing of a delayed certificate of birth.
2. The Registrar or such a representative may *deem any documentary evidence as insufficient and at any time may* institute a thorough and independent investigation of a case.
3. If an investigation is made, the Registrar shall include a summary of findings as part of the ~~certificate~~ *birth record*.

**Section 35.** NAC 440.350 is hereby amended to read as follows:

Where an applicant for a delayed certificate of birth has been unable to furnish documentary evidence, *the State Registrar may request and accept* a complete statement of the facts and the

reason for the absence of such evidence must be placed ~~{o}~~ in the ~~{certificate and shown on any certified copies thereof}~~ *the birth record or advise the applicant of his or her right to seek an order from a court of competent jurisdiction.*

**Section 36.** NAC 440.360 is hereby amended to read as follows:

1. If the ~~{applicant}~~ *person of record* is ~~{12}~~ *18* years of age or over, the ~~{applicant}~~ *person of record* must sign ~~{the delayed certificate of birth}~~ *an affidavit provided by the State Registrar* attesting under oath to his or her belief in the truth of the statements made concerning the applicant's age, birthplace and parentage.

2. If the ~~{applicant}~~ *person of record* is under ~~{12}~~ *18* years of age, the ~~{certificate}~~ *affidavit* may be signed by the applicant or by the parents or guardian of the ~~{applicant}~~ *person of record*.

REMOVE THE FOLLOWING SECTION

**Section 37.** NAC 440.130 is hereby amended to read as follows:

~~{1. The State Registrar may prepare a new certificate of birth for a person having a sexual transformation only upon order of a court of competent jurisdiction  
— 2. The court order must specify those facts to be changed on the new certificate. All other items must remain as on the original certificate.  
— [Bd. of Health, Births and Deaths Art. 11, eff. 7-3-76]}~~

**Section 1.** NAC 440.400 is hereby amended to read as follows:

1. A health district shall remit to the State Registrar:
  - (a) For each registration of a birth or death in its district..... \$2
  - (b) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a) of subsection 3 of NRS 440.175..... ~~{7}~~ *\$5*
  - (c) For each copy issued of a certificate of death in its district..... ~~{1}~~ *\$5*
2. Except as otherwise provided in NRS 440.700, the State Registrar will charge *and as applicable the local registrar may charge* and collect the following fees:
  - (a) For searching the files for one name, if no copy is made or *record is found*..... \$10
  - (b) For verifying *or witnessing* a vital record *or document*..... *\$10*
  - (c) For an Electronic Verification of a Vital Event (EVVE)..... \$2*
  - ~~{e}~~ *(d) For establishing and filing a record of paternity with the State Registrar, other than a hospital-based paternity, and providing a certified copy of the new record..... \$40*
  - (e) For establishing and filing a record of paternity with the State Registrar for the Division of Welfare and Supportive Service, Child Support Enforcement Program with no certified copy issued..... \$10*
  - ~~{e}~~ *(e) For a certified copy of a record of birth..... \$20*
  - ~~{e}~~ *(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025..... \$20*

¶(g) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 .....	\$20
¶(h) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.....	\$40
¶(i) <i>For a certifier correcting a record on file with the State Registrar when the correction is due to no error by the certifier as determined by the State Registrar.....</i>	<i>\$10</i>
¶(j) For replacing a record on file with the State Registrar and providing a certified copy of the new record.....	\$40
¶(k) For filing a delayed certificate of birth <i>with the State Registrar</i> and providing a certified copy of the certificate.....	\$40
¶(l) For the services of a notary public provided by the State Registrar.....	\$2
¶(m) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.....	\$200
¶(n) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.....	\$100
¶(o) For compiling data files which require specific changes in computer programming.....	\$500