# **10 DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**146 OFFICE OF DATE, RESEARCH AND VITAL STATISTICS**

**Chapter 11: VITAL STATISTICS ADMINISTRATION**

1. Definitions

 A. Date of Filing. “Date of filing” means the date a vital record is accepted for registration by the Office of Vital Statistics or a municipal clerk.

 B. Fetal Death. “Fetal death” means a product of conception dead prior to the complete expulsion or extraction from its mother; the fetus shows no signs of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

 C. File. “File” means the presentation and acceptance of a vital record or report for registration by the Office of Vital Statistics or a municipal clerk.

 D. Municipal Clerk. “Municipal clerk” means the duly elected or appointed clerk of the city, town or plantation where the birth occurred.

 E. Office of Vital Statistics. “Office of Vital Statistics” means the Office of Data, Research, and Vital Statistics.

 F. Registration. “Registration” means the process by which vital records are completed, filed, and incorporated into the official records of the Office of Vital Statistics and/or the appropriate municipal clerks. Registration is complete when the Office of Vital Statistics or municipal clerk enters the date of filing.

 G. State Registrar. “State registrar” means the State Registrar, Deputy State Registrar or other designated employee of the Office of Vital Statistics.

 H. System of Vital Statistics. “System of vital statistics” means the registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required by this title; and activities related thereto including the tabulation, analysis, publication, and dissemination of vital statistics.

 I. Time Periods. As used in this rule, the following time periods are delineated:

 “2 days” - excludes the day on which the time period begins and any intermediate Saturday, Sunday, or legal holiday;

 “5 days” - excludes the day on which the time period begins and any intermediate Saturday, Sunday, or legal holiday.

 “7 days” - excludes the day on which the time period begins. It includes Saturdays, Sundays, or legal holidays unless the 7th day falls on a Saturday, Sunday, or legal holiday; in that case, the period ends on the next day which is not a Saturday, Sunday, or legal holiday.

 J. Vital Records. “Vital records” means certificates or reports of birth, death, fetal death, induced abortion, marriage, divorce, and data related to these records.

 K. Vital Statistics. “Vital statistics” means the data derived from certificates and reports of birth, death, fetal death, induced abortion, marriage, divorce and related reports.

2. Forms, Certificates and Electronic Data Files

 All forms, certificates, electronic data files, and reports used in the system of vital statistics are the property of the Office of Vital Statistics and shall be surrendered to the state registrar upon demand. The forms prescribed and distributed by the state registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the state registrar shall be used in the reporting of vital statistics or in making copies of records. Electronic data records will be accepted only when they have been produced by software provided or approved by the state registrar and when standards set by the state registrar are met.

3. Requirements for Preparation of Certificates

 A. All forms, certificates, and reports relating to vital statistics must either be typewritten, printed legibly in black, unfading ink, or stored on electronic media approved by the state registrar.

 B. Notwithstanding the preceding paragraph, all death certificates must contain the typed name and date of death of the decedent; marriage licenses/certificates must be typed; and records of divorce and annulment must be typed.

 C. All signatures required shall be entered in black, unfading ink or stored electronically.

 D. Unless otherwise directed by the state registrar, no certificate shall be complete and correct and acceptable for registration:

 1. that does not contain the certifier’s name;

 2. that does not supply all items of information called for thereon or satisfactorily account for their omission;

 3. that contains alterations or erasures;

 4. that does not contain handwritten signatures as required;

 5. that is marked “copy” or “duplicate”;

 6. that is a carbon copy;

 7. that is prepared on an improper form;

 8. that contains improper or inconsistent data;

 9. that contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease; or

 10. that is not prepared in conformity with rules or instructions issued by the state registrar.

4. Duties of Municipal Clerks

 A. Births

 1. The municipal clerk is responsible for the receipt and processing of records of births occurring in institutions within the municipality. This includes receiving these records from the institution, signing them to indicate acceptance for filing, filing the record, and forwarding copies within 5 days after receipt to the mother’s place of residence, if different.

 2. The municipal clerk is responsible for the receipt and processing of records of births to residents which occur outside the municipality. This includes receiving the records from the clerk at the place of birth or from the state registrar and filing them.

 3. The municipal clerk is responsible for the receipt and processing of records of births within the municipality which occur outside institutions, as specified in 10-146 CMR Chapter 10.

 4. If an "Acknowledgment of Paternity" form is filed with the birth certificate for an out-of-wedlock birth, the municipal clerk shall forward one copy with the certificate to the mother’s place of residence, if different. The clerk shall forward the state copy of the acknowledgment to the state registrar.

 5. If an “Acknowledgment of Paternity” form for a child born out-of-wedlock is received by the municipal clerk at the place of birth or of residence after the birth certificate has been filed, the municipal clerk shall enter the father’s name on the birth certificate and forward the state copy of the acknowledgment to the state registrar. The state registrar will forward copies to other custodians of the record as appropriate.

 6. Notwithstanding paragraph 1 of this subsection, the state registrar may direct that records of births which occur in institutions need be filed only with the Office of Vital Statistics, using computer software provided by the state registrar for this purpose. In this case, the Office of Vital Statistics will provide copies (paper or electronic) to the municipal clerks at both the place of birth and the place of residence, if different.

 B. Deaths and Fetal Deaths

 1. The municipal clerk is responsible for the receipt and processing of records of deaths and fetal deaths occurring within the municipality. This includes receiving the records from the funeral director, institution (in the case of fetal deaths), physician or authorized person; checking them for accuracy and completeness; forwarding them to the state registrar within 7 days after receipt, on a weekly basis; and forwarding copies, at the same time, to the place of residence of the deceased person, if different from the place where death occurred.

 2. The municipal clerk is responsible for the receipt and processing of records of deaths of residents which occur outside the municipality. This includes receiving the records from the clerk at the place of death and filing them.

 3. The municipal clerk is responsible for issuing burial-transit permits, receiving permits after endorsement, and filing them, as specified in 10-CMR Chapter 1

 C. Marriages

 The municipal clerk is responsible for receiving intentions of marriage, issuing marriage licenses, and processing marriage certificates, as specified in 10-146 CMR Chapter 6. The state copies of the marriage records shall be forwarded to the state registrar within 7 days after receipt, on a weekly basis.

 D. Maintenance of Records

 The municipal clerk is responsible for maintaining all birth, death, fetal death and marriage records received for filing. These records are considered to be in the custody of the state registrar and are subject to the same requirements regarding disclosure as are records in the possession of the state registrar.

 E. Certified Copies

 The municipal clerk is responsible for issuing certified copies or abstracts of birth, death and/or marriage records. The records from which the certified copies or abstracts are issued shall be those maintained in the municipal office. All forms, formats and procedures used to issue the copies or abstracts shall be uniform and provided or approved by the state registrar.

 5. Copies of Data from Vital Records

 A. Process

 Certified copies or abstracts of vital records may be made by mechanical, photocopy, electronic, or other reproductive process.

 B. Paper

 All certified copies or abstracts shall be made on the security paper provided by the state registrar for this purpose.

 C. Approval

 All forms, formats and procedures used to issue certified copies or abstracts shall be uniform and provided or approved by the state registrar.

 D. Certification

 Each certified copy issued shall be certified as a true copy or abstract by the officer in whose custody or possession the record is entrusted and shall include the date the copy is issued, the name (typewritten or printed) of the issuing officer, the issuing officer’s signature or an authorized facsimile thereof, and the seal of the issuing office.

 E. Content

 1. All certified copies of a birth record shall include at a minimum the following information, if it appears on the original record:

 a. certificate number;

 b. given name(s);

 c. surname;

 d. generational identifier;

 e. date of birth;

 f. place of birth (municipality);

 g. sex; and

 h. date of filing.

 2. All certified copies of a death record shall include at a minimum the following information, if it appears on the original record:

 a. certificate number;

 b. given name(s);

 c. surname;

 d. generational identifier;

 e. date of death;

 f. date of birth or age;

 g. place of death (municipality);

 h. sex; and

 i. date of filing.

 3. All certified copies of a marriage record shall include at a minimum the following information, if it appears on the original record:

 a. certificate number;

 b. bride’s given name(s);

 c. bride’s maiden surname;

 d. bride’s state and municipality of residence;

 e. bride’s date of birth or age;

 f. groom’s given name(s);

 g. groom’s surname;

 h. groom’s generational identifier;

 i. groom’s state and municipality of residence;

 j. groom’s date of birth or age;

 k. date of marriage;

 l. place of marriage (municipality);

 m. date of filing.

 F. Verifications

 Verification of the facts contained in a vital record may be furnished by the state registrar to any federal, state, or municipal government agency or to any other agency representing the interest of the registrant. Such verifications shall be on a form prescribed and furnished by the state registrar or on a form furnished by the requesting agency and acceptable to the state registrar; or, the state registrar may authorize the verification in other ways when it shall prove in the best interests of his or her office. Except as authorized by the state registrar, verification shall be subject to set charges in accordance with the general fee policy of the Office of Data, Research, and Vital Statistics.

6. Record Preservation

 A. Disposition

 When an authorized reproduction of a vital record has been properly prepared, by photographic, electronic or other process, by the state registrar and when all steps have been taken to ensure the continued preservation of the information, the record from which such authorized reproduction was made may be disposed of by the state registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to ensure that acceptable certified copies can be issued and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed. Such security copy shall be maintained in such a manner to ensure that it can replace the authorized reproduction should the authorized reproduction be lost or destroyed.

 B. Induced Abortions

 Reports of induced abortion are statistical reports only. The state registrar is authorized to dispose of such reports when all statistical processing of the reports has been accomplished and a file established for statistical use. The file may be maintained by photographic, electronic, or other means as determined by the state registrar, in which case the original report from which the photographic, electronic, or other file was made shall be destroyed.

7. Matching of Birth and Death Certificates

 A. Matching and Annotation

 To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the state registrar shall match birth and death certificates for persons under 45 years of age and post the facts of death to the appropriate birth certificate. The notation “died” and the date of death shall be entered on the certificate in such a way as to become a part of any copy issued.

 B. Guidelines

 The state registrar shall establish written guidelines which provide the standards for determining that a match between a birth and a death record exists. These standards shall specify the information about the decedent which should be available and which should be compared to the information on the birth certificate before a match can be made. These items include as a minimum:

 1. name of decedent;

 2. name of father and maiden name of mother;

 3. date of birth or age of decedent; and

 4. state of birth of decedent.

 C. Documentation

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

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