



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 12-11-116 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

WAC 246-491-149 Amending the rule to gender-neutralize terms for spouses on the marriage and divorce certificates, and clarifying names and adding sex as an item on the marriage certificate.

Hearing location(s): Department of Health
Point Plaza East, Rooms 152-153
310 Israel Road SE
Tumwater, WA 98501

Date: 11/28/2012

Time: 8:00AM

Submit written comments to:

Name: Jean Remsbecker
Address: PO Box 47814
Olympia, WA 98501-7814
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-753-4135 by (date) 11/28/2012

Assistance for persons with disabilities: Contact

Susie Elwanger by 11/14/2012

TTY (800) 833-6388 or () 711

Date of intended adoption: 12/06/2012

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Chapter 3, Laws of 2012 (ESSB 6239) was signed into law allowing same-sex couples to marry in Washington. The same-sex marriage law has been referred to voters as Referendum 74. The Department of Health is proposing a rule change so revised marriage and divorce certificate forms can be ready for use if the referendum is approved and law goes into effect on December 6, 2012. If the referendum is not approved, this CR102 will be withdrawn and the rule changes will not be adopted. The department collects records of all marriages and divorces that occur in Washington and issues copies of certificates. Current marriage and divorce certificates use gender-specific terms. The proposed rule changes the terms to gender-neutral. The proposed rule also adds sex of the people marrying as an item collected on the marriage certificate.

Reasons supporting proposal:

If Referendum 74 is approved and the law goes into effect, same-sex couples who marry may expect their marriage and divorce certificates to use gender-neutral language. The public may also have an interest in knowing how many same-sex marriages occur.

Statutory authority for adoption:

RCW 43.70.150 - Registration of vital statistics.

Statute being implemented:

RCW 70.58.055 - Certificate generally.

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 10/23/12

NAME (type or print)
Mary C. Selecky

SIGNATURE

TITLE
Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 23, 2012

TIME: 4:19 PM

WSR 12-21-117

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jean Remsbecker	101 Israel Road SE, Tumwater, WA 98501	360-236-4330
Implementation....Jean Remsbecker	101 Israel Road SE, Tumwater, WA 98501	360-236-4330
Enforcement.....Christie Spice	101 Israel Road SE, Tumwater, WA 98501	360-236-4307

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost-benefit analysis under RCW 34.05.328(5)(a). RCW 34.05.328(5)(a) exempts rules that, by definition, are not significant rules.

AMENDATORY SECTION (Amending WSR 09-11-111, filed 5/19/09, effective 6/19/09)

WAC 246-491-149 Information collected on the legal or public section of certificates; modifications to the United States standard certificates and report forms. (1) Effective January 1, 2003, the department shall use the 2003 revisions of the United States standard forms for live birth and fetal death.

(2) Effective January 1, 2004, the department shall use the 2003 standard form for death.

(3) Effective January 1, 1992, the department shall use the 1988 revisions of the United States standard forms for marriage and certificate of divorce, dissolution of marriage or annulment.

(4) These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. Copies of these forms may be obtained by contacting the department's center for vital statistics.

(5) With the exception of the confidential section, the department may modify any part of these forms.

(a) Table 3 identifies the modifications to the United States standard form for live birth.

(b) Table 4 identifies the modifications to the United States standard form for fetal death.

(c) Table 5 identifies the modifications to the United States standard form for death.

(d) Table 6 identifies modifications to the United States standard form for marriage.

(e) Table 7 identifies modifications to the United States standard form for certificate of divorce, dissolution of marriage, or annulment.

(6) Table 8 lists items to be collected on the certificate of dissolution of Washington state domestic partnership. This is a Washington state form not addressed in the United States standard forms.

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Child's name	
2	Child's date of birth	
3	Time of birth	

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
4	Type of birthplace	Add "En route," Add "Planned birthplace if different"
5	Child's sex	
6	Name of facility	
7	City, town or location of birth	
8	County of birth	
9	Mother's name before first marriage	
10	Mother's date of birth	
11	Mother's birthplace	
12	Mother's Social Security number	
13	Mother's current legal last name	
14	Social Security number requested for child?	
16a	Mother's residence - Number, street, and Apt. No.	
16b	Mother's residence - <u>C</u> ity or town	
16c	Mother's residence - <u>C</u> ounty	
16d	Tribal reservation name (if applicable)	Added
16e	Mother's residence - <u>S</u> tate or foreign country	
16f	Mother's residence - <u>Z</u> ip code + 4	
16g	Mother's residence - <u>I</u> nside city limits?	
17	Telephone number	Added
18	How long at current residence?	Added
19	Mother's mailing address, if different	
25	Father's current legal name	
26	Father's date of birth	
27	Father's birthplace	

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
28	Father's Social Security number	
66	Certifier name and title	Delete check boxes
67	Date certified	
68	Attendant name and title	Delete check boxes
69	NPI of person delivering the baby	
--	Date filed by registrar	Deleted

U.S. STANDARD REPORT OF FETAL DEATH

**Table 4:
Legal or Public Fetal Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Name of fetus	
2	Sex	
3	Date of delivery	
4	Time of delivery	
5	Type of birthplace	Add "En route," Add "Planned birthplace if different"
6	Name of facility	
7	Facility ID (NPI)	
8	City, town or location of birth	
9	Zip code of delivery	
10	County of birth	
11	Mother's name before first marriage	
12	Mother's date of birth	
13	Mother's current legal last name	
14	Mother's birthplace	
15a	Mother's residence - Number, street, and Apt. No.	
15b	Mother's residence - City or town	
15c	Mother's residence - County	

U.S. STANDARD REPORT OF FETAL DEATH

Table 4:
Legal or Public Fetal Death Certificate Items

Item Number	Item Name	Difference from U.S. Standard, if any
15d	Tribal reservation name (if applicable)	Added
15e	Mother's residence - State or foreign country	
15f	Mother's residence - Zip code + 4	
15g	Mother's residence - Inside city limits?	
16	How long at current residence?	Added
17	Father's current legal name	
18	Father's date of birth	
19	Father's birthplace	
20	Name and title of person completing the report	
21	Date report completed	
22	Attendant name and title	Delete check boxes
23	NPI of person delivering the baby	
24	Method of disposition	
25	Date of disposition	
26	Place of disposition	Added
27	Location of disposition - City/town and state	Added
28	Name and complete address of funeral facility	Added
29	Funeral director signature	Added
30	Initiating cause/condition (cause of death)	
31	Other significant causes or conditions	
32	Estimated time of fetal death	
33	Was an autopsy performed?	
34	Was a histological placental examination performed?	

U.S. STANDARD REPORT OF FETAL DEATH

**Table 4:
Legal or Public Fetal Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
35	Were autopsy or histological placental examination results used in determining the cause of death?	
36	Registrar signature	Added
37	Date received	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Legal name (include a.k.a.'s if any)	
2	Death date	
3	Sex	
4a	Age - Years	
4b	Age - Under 1 year	
4c	Age - Under 1 day	
5	Social Security number	
6	County of death	
7	Birth date	
8a	Birth place - City, town or county	
8b	Birth place - State or foreign country	
9	Decedent's education	Add "Specify": next to box for "8th Grade or less"
10	Decedent's Hispanic origin	
11	Decedent's race	
12	Was decedent ever in U.S. Armed Forces?	
13a	Residence - Number and street	
13b	Residence - City or town	
13c	Residence - County	
13d	Tribal reservation name (if applicable)	Added

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
13e	Residence - State or foreign country	
13f	Residence - Zip code	
13g	Inside city limits?	
14	Estimated length of time at residence	Added
15	Marital status at time of death	
16	Surviving spouse's name	
17	Occupation	
18	Kind of business/industry	
19	Father's name	
20	Mother's name before first marriage	
21	Informant - Name	
22	Informant - Relationship to decedent	
23	Informant - Address	
24	Place of death	
25	Facility name (if not a facility, give number and street)	
26a	City, town, or location of death	
26b	State of death	
27	Zip code of death	
28	Method of disposition	
29	Place of disposition (name of cemetery, crematory, other place)	
30	Disposition - City/town, and state	
31	Name and complete address of funeral facility	
32	Date of disposition	Added
33	Funeral director signature	
34	Causes of death and intervals between onset and death	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
35	Other significant conditions contributing to death	
36	Autopsy?	
37	Were autopsy findings available to complete the cause of death?	
38	Manner of death	
39	Pregnancy status	
40	Did tobacco use contribute to death?	
41	Date of injury	
42	Hour of injury	
43	Place of injury	
44	Injury at work?	
45	Injury location - Street, city, county, state, zip	County Added
46	Describe how injury occurred	
47	Transport injury type	
48a	Certifying physician signature	
48b	Medical examiner/coroner signature	
49	Name and address of certifier	
50	Hour of death	
51	Name and title of attending physician if other than certifier	Added
52	Date certified	
53	Title of certifier	
54	License number of certifier	
55	ME/coroner file number	Added
56	Was case referred to medical examiner?	
57	County registrar signature	Added
58	County date received	Added
59	Record amendment	Added
--	License number of funeral director	Deleted

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
--	Date pronounced dead	Deleted
--	Time pronounced dead	Deleted
--	Signature of person pronouncing death	Deleted
--	License number of person pronouncing death	Deleted
--	Date person pronouncing death signed	Deleted

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
((=	Certificate name	Changed name of form to "Certificate of Marriage"
=	County of license	
=	Date valid	
=	Not valid after (date)	
†	Date of marriage	
2	County of ceremony	
3	Type of ceremony	Added
4	Date signed (by officiant)	Added
5	Officiant's name	
6	Officiant's signature	
7	Officiant's address	
8	Groom's name	
9	Groom's address (street)	
†0	Groom's date of birth	
††	Groom's place of birth (state or country)	
†2	Groom's address (city)	
†3	Groom's address (inside city limits)	Added
†4	Groom's address (county)	
†5	Groom's address (state)	

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
16	Groom's father - Name	
17	Groom's father - Place of birth	
18	Groom's mother - Maiden name	
19	Groom's mother - Place of birth	
20	Groom's signature	
21	Date signed (by groom)	
22	Bride's name	
23	Bride's maiden last name	
24	Bride's residence - (Street)	
25	Bride's date of birth	
26	Bride's place of birth (state or country)	
27	Bride's residence (city)	
28	Bride's residence (inside city limits)	Added
29	Bride's residence (county)	
30	Bride's residence (state)	
31	Bride's father - Name	
32	Bride's father - Place of birth	
33	Bride's mother - Maiden name	
34	Bride's mother - Place of birth	
35	Bride's signature	
36	Date signed (by bride)	
37	Witness #1 signature	
38	Witness #2 signature	
39	County auditor signature	
40	Date received (by county auditor)	
Reverse side		Groom's Social Security number
Reverse side		Bride's Social Security number
	Groom's age last birthday	Deleted
	Bride's age last birthday	Deleted

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
	License to marry section	Deleted
	Expiration date of license	Deleted
	Title of issuing official	Deleted
	Confidential information	Deleted))
	<u>Certificate name</u>	<u>Modified</u>
<u>1</u>	<u>County of license</u>	<u>Added</u>
<u>2</u>	<u>Date valid</u>	
<u>3</u>	<u>Not valid after (date)</u>	
<u>4</u>	<u>County auditor signature</u>	
<u>5</u>	<u>Date received (by county auditor)</u>	
<u>6a</u>	<u>Spouse A - Sex</u>	<u>Added</u>
<u>6b</u>	<u>Legal name before marriage</u>	<u>Modified</u>
<u>6c</u>	<u>Birth name, if different</u>	<u>Added</u>
<u>6d</u>	<u>Last name after marriage</u>	<u>Added</u>
<u>6e</u>	<u>Current residence (street, city/town)</u>	
<u>6f</u>	<u>County of residence</u>	
<u>6g</u>	<u>State of residence</u>	
<u>6h</u>	<u>Date of birth</u>	
<u>6i</u>	<u>Place of birth (state or country)</u>	
<u>6j</u>	<u>Mother/parent birth name</u>	<u>Modified</u>
<u>6k</u>	<u>Father/parent birth name</u>	<u>Modified</u>
<u>6l</u>	<u>Mother/parent place of birth</u>	<u>Modified</u>
<u>6m</u>	<u>Father/parent place of birth</u>	<u>Modified</u>
<u>7a</u>	<u>Spouse B - Sex</u>	<u>Added</u>
<u>7b</u>	<u>Legal name before marriage</u>	
<u>7c</u>	<u>Birth name, if different</u>	<u>Modified</u>
<u>7d</u>	<u>Last name after marriage</u>	<u>Added</u>
<u>7e</u>	<u>Current residence (street, city/town)</u>	
<u>7f</u>	<u>County of residence</u>	
<u>7g</u>	<u>State of residence</u>	
<u>7h</u>	<u>Date of birth</u>	

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
<u>7i</u>	<u>Place of birth (state or country)</u>	
<u>7j</u>	<u>Mother/parent birth name</u>	<u>Modified</u>
<u>7k</u>	<u>Father/parent birth name</u>	<u>Modified</u>
<u>7l</u>	<u>Mother/parent place of birth</u>	<u>Modified</u>
<u>7m</u>	<u>Father/parent place of birth</u>	<u>Modified</u>
<u>8</u>	<u>Date of marriage</u>	
<u>9</u>	<u>County of ceremony</u>	
<u>10</u>	<u>Type of ceremony</u>	<u>Added</u>
<u>11</u>	<u>Date signed (by officiant)</u>	<u>Added</u>
<u>12</u>	<u>Officiant's address</u>	
<u>13</u>	<u>Officiant's daytime phone</u>	<u>Added</u>
<u>14</u>	<u>Officiant's name</u>	
<u>15</u>	<u>Officiant's signature</u>	
<u>16</u>	<u>Witness signature</u>	
<u>17</u>	<u>Witness signature</u>	
<u>18</u>	<u>Spouse A signature</u>	<u>Modified</u>
<u>19</u>	<u>Date signed (by spouse A)</u>	<u>Added</u>
<u>20</u>	<u>Spouse B signature</u>	<u>Modified</u>
<u>21</u>	<u>Date signed (by spouse B)</u>	<u>Added</u>
<u>22</u>	<u>Spouse A Social Security number</u>	<u>Added</u>
<u>23</u>	<u>Spouse B Social Security number</u>	<u>Added</u>
	<u>(Groom's) age last birthday</u>	<u>Deleted</u>
	<u>(Bride's) age last birthday</u>	<u>Deleted</u>
	<u>Signature of (license) issuing official</u>	<u>Deleted</u>
	<u>Title of (license) issuing official</u>	<u>Deleted</u>
	<u>Where married – City, town or location</u>	<u>Deleted</u>
	<u>Title (of officiant)</u>	<u>Deleted</u>
	<u>Confidential information</u>	<u>Deleted</u>

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF
MARRIAGE, OR ANNULMENT

**TABLE 7:
Certification of Dissolution, Declaration of Invalidity
of Marriage, or Legal Separation**

Item Number	Item Name (Certificate name Court file number	Difference from U.S. Standard, if any Changed form name to certificate of dissolution; declaration of invalidity of marriage or legal separation
1	Type of decree	Added check boxes
2	Date of filing	
3	County where decree filed	
4	Signature of superior court clerk	
5	Husband's name	
6	Husband's date of birth	
7	Husband's place of birth	
8	Husband's residence - street	
9	Husband's residence - city	
10	Husband's residence - Inside city limits	Added
11	Husband's residence - County	
12	Husband's residence - State	
13	Wife's name	
14	Wife's maiden name	
15	Wife's date of birth	
16	Wife's place of birth	
17	Wife's residence - Street	
18	Wife's residence - City	
19	Wife's residence - Inside city limits	Added
20	Wife's residence - County	
21	Wife's residence - State	
22	Place of marriage - County	

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF
MARRIAGE, OR ANNULMENT

**TABLE 7:
Certification of Dissolution, Declaration of Invalidity
of Marriage, or Legal Separation**

Item Number	Item Name	Difference from U.S. Standard, if any
23	Place of marriage - State	
24	Date of marriage	
25	Number of children of this marriage	Name change
26	Petitioner	Delete check boxes
27	Name of petitioner's attorney/pro se	
28	Petitioner's address	
29	Husband's Social Security number	
30	Wife's Social Security number	
	Date couple last resided in same household	Delete
	Number of children under 18 whose physical custody was awarded to	Delete
	Title of court	Delete
	Title of certifying official	Delete
	Date signed	Delete
	Confidential information	Delete))
	<u>Certificate name</u>	<u>Modified</u>
<u>1</u>	<u>Court file number</u>	<u>Added</u>
<u>2</u>	<u>Type of decree</u>	
<u>3</u>	<u>Date of decree</u>	
<u>4</u>	<u>County where decree filed</u>	
<u>5</u>	<u>Signature of superior court clerk</u>	
<u>6a</u>	<u>Spouse A - Name</u>	<u>Added</u>
<u>6b</u>	<u>Birth name, if different</u>	<u>Added</u>
<u>6c</u>	<u>Date of birth</u>	
<u>6d</u>	<u>Place of birth (state or country)</u>	
<u>6e</u>	<u>Residence - Street</u>	<u>Added</u>
<u>6f</u>	<u>Residence - City</u>	
<u>6g</u>	<u>Residence - County</u>	
<u>6h</u>	<u>Residence - State</u>	

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF
MARRIAGE, OR ANNULMENT

TABLE 7:
**Certification of Dissolution, Declaration of Invalidity
of Marriage, or Legal Separation**

Item Number	Item Name	Difference from U.S. Standard, if any
<u>7a</u>	<u>Spouse B - Name</u>	<u>Added</u>
<u>7b</u>	<u>Birth name, if different</u>	<u>Modify</u>
<u>7c</u>	<u>Date of birth</u>	
<u>7d</u>	<u>Place of birth (state or country)</u>	
<u>7e</u>	<u>Residence - Street</u>	<u>Added</u>
<u>7f</u>	<u>Residence - City</u>	
<u>7g</u>	<u>Residence - County</u>	
<u>7h</u>	<u>Residence - State</u>	
<u>8</u>	<u>Place of marriage - County</u>	
<u>9</u>	<u>Place of marriage - State</u>	
<u>10</u>	<u>Date of marriage</u>	
<u>11</u>	<u>Number of children born alive of this marriage</u>	<u>Added</u>
<u>12</u>	<u>Petitioner</u>	
<u>13</u>	<u>Name of petitioner's attorney or pro se</u>	
<u>14</u>	<u>Petitioner's attorney's address</u>	
<u>15</u>	<u>Spouse A Social Security number</u>	<u>Added</u>
<u>16</u>	<u>Spouse B Social Security number</u>	<u>Added</u>
	<u>Date (decree) recorded</u>	<u>Deleted</u>
	<u>Number of children under 18 whose physical custody was awarded to (husband, wife, joint, other)</u>	<u>Deleted</u>
	<u>Number of children under 18 in household</u>	<u>Deleted</u>
	<u>Title of court</u>	<u>Deleted</u>
	<u>Title of certifying official</u>	<u>Deleted</u>
	<u>Date (certifying official) signed</u>	<u>Deleted</u>
	<u>Date couple last resided in same household</u>	<u>Deleted</u>
	<u>Confidential items</u>	<u>Deleted</u>

**TABLE 8:
Certification of Dissolution of Washington State
Domestic Partnership**

Item Number	Item Name
	Certificate name
	Court file number
1	Type of decree
2	Date of decree
3	County where decree filed
4	Signature of superior court clerk
5a	First partner's name
5b	First partner's name at birth
6	First partner's date of birth
7	First partner's place of birth
8	First partner's residence - Street
9	First partner's residence - City
10	First partner's residence - Inside city limits
11	First partner's residence - County
12	First partner's residence - State
13a	Second partner's name
13b	Second partner's name at birth
14	Second partner's date of birth
15	Second partner's place of birth
16	Second partner's residence - Street
17	Second partner's residence - City
18	Second partner's residence - Inside city limits
19	Second partner's residence - County
20	Second partner's residence - State
21	Date of this partnership

TABLE 8:
**Certification of Dissolution of Washington State
Domestic Partnership**

Item Number	Item Name
22	Domestic partnership certificate number
23	Petitioner
24	Name of petitioner's attorney/pro se
25	Petitioner's address