

Senate Bill 08 – 194: Public Health Act Guidance for Vital Records Offices and Registrars

SB-194, the Public Health Act of 2008, was signed into law by Governor Ritter in July 2008. The Act aims to improve public health infrastructure and ensure essential public health and environmental services are provided in each county. There are several changes in the new law pertaining to vital records and statistics.

The Act requires the following:

- Each county, by resolution of its board of county commissioners, must establish and maintain a county public health agency or participate in a district public health agency. Two or more counties can establish and maintain a district public health agency by resolutions of the boards of county commissioners of the respective counties. The establishment of this agency must have occurred by July 1, 2009. § 25-1-506(1), C.R.S.
- Each public health agency shall “administer and enforce the laws pertaining to vital statistics”, and is specifically required to “collect, compile, and tabulate reports of marriages, dissolutions of marriage, and declarations of invalidity of marriage, births, deaths and morbidity, and require any person having information with regard to the same to make such reports and submit such information as is required by law or the rules of the state board.” § 25-1-506(3)(b)(IV)(B) and (XII), C.R.S.
- The director of the public health agency is “to act as the local registrar of vital statistics or to contract out the responsibility of registrar in the area over which the agency has jurisdiction.” § 25-1-509(2)(d), C.R.S.

In summation, the Act states that the newly established public health agencies and directors are responsible for vital records duties in their respective counties. The Act does, however, provide counties the option to contract these duties out to another local office if this is considered more efficient or the public health agency is unable to provide vital records services to the county.

Related Frequently Asked Questions

Q: What are the duties of a local vital records office under the Act?

A: The duties are as follows:

- Assure the collection of records on births and deaths, and other matters of interest to the public.
- Collect, compile and tabulate vital record reports.
- Maintain staff, infrastructure, and other resources to ensure capacity for vital records.
- Comply with Colorado statutes, Board of Health Regulations, and Office of the State Registrar of Vital Statistics policies.
- Comply with the Intelligence Reform and Terrorism Prevention Act of 2004 (IRPTA) which requires:
 - Minimum standards for birth certificates
 - Matching birth and death records within and among states
 - Computerizing death and birth records
 - Physical security of records
 - Signing an agreement of confidentiality

Q: My county does not currently have its vital records office in a public health agency. Our system is considered efficient and meets all the requirements set by the State Office of Vital Statistics. Are we required to relocate our records?

A: No, under § 25-1-509 of the Act, the director of a county's established public health agency can contract out the duties of registrar to another individual or entity, hereinafter known as the Contractor, in the jurisdiction area. The State Registrar also has the authority to designate and establish additional offices to aid in the efficient functioning of the vital records system.

Q: If my county wants to continue having another individual or entity provide vital statistics services on behalf of the county, do I need to sign a contract or agreement?

A: Yes, if your county chooses to maintain your current system of the provision of vital statistics services by an individual or entity, the county public health agency or board of health must enter into a [Memorandum of Agreement or Contract](#) with the Contractor. The MOA or contract document must be submitted to the Office of the State Registrar for approval. A template containing terms necessary for approval by the Office of the State Registrar is available as a guide that may be modified to meet the needs of each county and can be found on the Office of Planning and Partnerships website: www.cdphe.state.co.us/opp

Q: What should my county consider when deciding whether or not to relocate the vital records and statistics into the public health agency?

A: Relocation of a vital records office would mean:

- Hiring staff and maintaining necessary infrastructure.
- Ensuring all forms, information etc., are kept strictly confidential and signing a confidentiality agreement.
- Complying with statutes, regulation and policy.
- Requiring assigned staff to attend mandatory meetings and trainings.
- Collecting revenues generated.
- Complying with physical security standards.
- Complying with procedural security standards.

Q: What are some benefits to relocating the vital records office into the public health agency?

A: Relocation of the local vital records offices into the public health agency will be a positive move towards uniformity and increased efficiency in our vital records system. Having common office locations will allow for ease in implementation of future laws and regulations, as well as ease incorporating electronic reporting systems. Vital records offices generate revenue that would become a part of the county treasurer public health fund. Additionally, vital records offices are visible to the public and provide an opportunity to promote the local public health agency and programs.

Q: If my county decides to relocate the vital records office into the public health agency, what steps need to be taken?

1. The county or district Board of Health must notify the Office of the State Registrar in writing.
 - a. The written notification must indicate which office will assume the duties and provide a contact name, phone number and email address of the person who will be the Local Registrar.
 - b. Mail the notice to: Ron Hyman, State Registrar and Director, Office of the State Registrar of Vital Statistics, 4300 Cherry Creek Drive South, Denver, CO 80246. Alternatively you may fax the notice to 303-691-7945.
 - c. Terminate any existing agreement with the contractor currently performing this service on behalf of the county public health agency.

2. The person designated as the Local Registrar should await contact from the Office of the State Registrar. Your county must also make some decisions about how your vital statistics office will function. These will include:
 - a. Deciding whether birth certificates will be issued, requiring access to the state electronic system.
 - b. Deciding who will be designated to issue Disposition Permits outside normal business hours.
 - c. Deciding possible dates for the records transfer and training of new staff.

3. Paperwork will be sent to you from the Office of Vital Statistics. For example, paperwork for Local Deputizations, confidentiality agreements and access to the electronic birth system may be needed. Following this, the move is coordinated between the local and State Office.

Q: Who relocates the records and equipment?

A: Personnel from the Office of the State Registrar will coordinate with your staff to schedule the move, and the Office of the State Registrar will perform the relocation.

Q: How long does it take for the state office to relocate the vital records?

A: After all paperwork has been received and completed and the new office is considered compliant with federal and state regulations, relocation of records and training of staff generally takes two to three days.

Q: Whom can I contact if I have more questions?

For additional information contact Michelle Cowell, Field Unit Section Chief at the State Office of Vital Statistics, 303-692-2183 or michelle.cowell@state.co.us.