### Agency: Department of Health

#### Subject of possible rule making: Chapters 246-490 WAC, Vital Statistics, and 246-491 WAC, Vital Statistics - Certificates. The department is considering adopting new rules and amending existing rules that will identify the information displayed on certification of birth, certification of death, short form certification of death, and informational copy of birth and death records, including allowing a nonbinary sex designation option to be added to a death certificate. The rules may also establish a formalized procedure including required documentation to obtain certifications and informational copies of birth and death records, adopt fees associated with the issuance of certifications and informational copies, make technical updates to statutory references as necessary, and repeal several obsolete sections.

#### Statutes authorizing the agency to adopt rules on this subject: Engrossed Substitute Senate Bill 5332 (Chapter 148, Laws of 2019), Vital Statistics.

#### Reasons why rules on this subject may be needed and what they might accomplish: ESSB 5332 (Chapter 148, Laws of 2019) replaces the current vital statistics statute, chapter 70.58 RCW. It limits the release of certifications of birth and death records to qualified applicants only, creates a short form certification of death that does not display cause and manner of death, allows for the release of informational copies of birth and death records to the public, and requires a nonbinary sex designation option on vital records. It also requires the department and local health jurisdictions to review identity documentation and evidence of eligibility of qualified applicants before issuing a certification of birth and death. Through rulemaking the department can prescribe the information displayed on certifications and informational copies of birth and death records, establish a formalized procedure and enforceable standards for certifications and informational copies of birth and death records, adopt fees associated with the issuance of certifications and informational copies, make technical updates, and repeal obsolete rules.

#### Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: No other federal or state agencies regulate this subject.

#### Process for developing new rule (check all that apply):
- [ ] Negotiated rule making
- [ ] Pilot rule making
- [ ] Agency study
- [x] Other (describe) The department will use a collaborative rule making process to develop the proposed rules.

#### Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Katitza Holthaus  
Address: PO Box 47814  
Phone: 360-236-4311  
Fax: 360-753-4135  
TTY: (360) 833-6388 or 711  
Email: katitza.holthaus@doh.wa.gov  
Web site: http://www.doh.wa.gov/AboutUs/RuleMaking  
Other:  

(If necessary)

Email:  
Web site:  
Other:  

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.
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<th>Date</th>
<th>06/25/2019</th>
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<tbody>
<tr>
<td><strong>Name:</strong></td>
<td>John Wiesman, DrPH, MPH</td>
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<tr>
<td><strong>Title:</strong></td>
<td>Secretary of Health</td>
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<td><strong>Signature:</strong></td>
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