

Texas Administrative Code

TITLE 25	HEALTH SERVICES
PART 1	DEPARTMENT OF STATE HEALTH SERVICES
CHAPTER 181	VITAL STATISTICS
SUBCHAPTER A	MISCELLANEOUS PROVISIONS
RULE §181.1	Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Applicant--A person who requests a service pertaining to a record of birth or death, verification of marriage or divorce, or release of personal data. (Also, see definition for properly qualified applicant).
- (2) Birth records--Records governing births filed pursuant to the Texas Vital Statistics Act, the Health and Safety Code, Title 3.
- (3) Certified--A certified statement, form, or letter, of the facts stated on the form or document as filed in the Vital Statistics Unit, certified by the State Registrar or duly appointed designee, over the respective signature and may bear the seal of the Vital Statistics Unit.
- (4) Certified copy--An abstract or photocopy of the original record issued as filed with the Vital Statistics Unit, and issued on a designated form or security paper which shall bear the "state seal," the Texas Department of State Health Services, Vital Statistics Unit or the seal of their office, and the facsimile signature of the State Registrar or the local registration official.
- (5) Dead body--A lifeless human body or such parts of the human body or the bones thereof from the state of which it may be reasonably concluded that death occurred.
- (6) Disinterment--To exhume, unbury, or take out of the grave.
- (7) Death records--Records governing deaths and fetal deaths filed pursuant to the Texas Vital Statistics Act.
- (8) Department--The Texas Department of State Health Services, formerly known as the Texas Department of Health.
- (9) Embalming--The act of disinfecting or preserving a human dead body, entire or in part, by the use of chemical substances, fluids, or gases in the body; or by the introduction of the same into the body by vascular or hypodermic injection; or by direct application into the organs or cavities; or by any other method intended to disinfect or preserve a dead body or restore body tissues and structures.
- (10) Fetal death (stillbirth)--Death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(11) Genealogist--An individual who traces the descent of persons or families. He or she may be an individual family member or a person hired by the family to trace a family tree or do family research.

(12) Identification of applicant--Each applicant must present a current form of government issued photo identification along with his or her application. If the applicant is unable to present a current form of photo identification, two valid supporting forms of identification may be presented, one of which bears the applicant's signature.

(13) Immediate family member--The registrant, his or her guardian, or the children, spouses, parents, siblings, or grandparents of the registrant.

(14) Indexes--An index to or listing of birth records, death records, applications for marriage licenses, and reports of divorce or annulment of marriage.

(A) Consolidated indexes--These indexes are vital records consisting of more than one event year. Consolidated indexes may be prepared for any vital event at the discretion of the State Registrar in the form prescribed.

(B) General birth and death indexes--These indexes are maintained or established by the Vital Statistics Unit or a local registration official which shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, the state or local file number, the name of the father, the maiden name of the mother, and sex of the registrant.

(C) Summary birth and death index--These indexes are maintained or established by the Vital Statistics Unit or a local registration official which shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant.

(15) Interment--Burial or the act of placing in a grave.

(16) Legal representative (personal representative or agent)--An attorney in fact, a funeral director, or any other person designated by affidavit, contract, or court order acting on behalf and for the benefit of the registrant or his or her immediate family. In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or county clerk shall require a designation document or an attested statement to that effect.

(17) Live birth--The complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born.

(18) Local registration official--A county clerk or person authorized by the Vital Statistics Act to maintain a duplicate system of records for each birth, death, or fetal death that occurs in the person's jurisdiction.

(19) Non-institutional birth--A birth occurring outside a hospital or birthing center licensed by the Texas Department of State Health Services.

(20) Person in charge of interment--Any person who places or causes to be placed a fetus, dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.

(21) Properly qualified applicant (qualified applicant)--The registrant, or immediate family member either by blood, marriage or adoption, his or her guardian, or his or her legal agent or representative. Local, state and federal law enforcement or governmental agencies and other persons may be designated as properly qualified applicants by demonstrating a direct and tangible interest in the record when the information in the record is necessary to implement a statutory provision or to protect a personal legal property right. A properly qualified applicant may also be a person who has submitted an application for a request to release personal information and has been approved as outlined in §181.11 of this title (relating to Requests for Personal Data).

(22) Registrant--The individual named on the certificate of birth, death, or fetal death; application for marriage license; or report of divorce or annulment of marriage.

(23) Registrar--The State Registrar or a Local Registrar as recognized by the Texas Department of State Health Services, Vital Statistics Unit.

(24) Research copy--A plain paper noncertified reproduction of the complete original document or a portion of the original document.

(25) Search--The act of examining the files and/or indexes maintained by the Vital Statistics Unit for a specific record or information.

(26) Signature--The name of a person written with his or her own hand; or by an electronic process approved by the State Registrar.

(27) State Registrar--The Unit Director of the Vital Statistics Unit, Texas Department of State Health Services.

(28) Supplemental Birth Certificate--A new birth certificate prepared and filed by the Vital Statistics Unit, which is based upon a paternity determination, or adoption. This new birth certificate replaces the original certificate of birth.

(29) Birth Verification--A noncertified statement only of the registrant's name, date of birth, and place of birth as it appears on the birth index filed with the Vital Statistics Unit.

(30) Death Verification--A noncertified statement only of the registrant's name, date of death, and place of death as it appears on the death index filed with the Vital Statistics Unit.

(31) Fetal Death Verification--A noncertified statement only of the registrant's name, date of delivery, and place of delivery as it appears on the fetal death index filed with the Vital Statistics Unit.

(32) Marriage Verification--A noncertified statement only of the registrant's name, date of marriage, and place of marriage as it appears on the application for marriage license index filed with the Vital Statistics Unit.

(33) Report of Divorce or Annulment of Marriage Verification--A noncertified statement only of the registrant's name, date of divorce, and place of divorce as it appears on the report of divorce or annulment of marriage index as it appears on the birth index filed with the Vital Statistics Unit.

(34) Vital statistics--The registration, preparation, transcription, collection, compilation, distribution and preservation of data pertaining to births, adoptions, paternity determinations, deaths, fetal deaths, suits affecting parent child relationship, court of continuing jurisdiction, marital status, and such other data as deemed necessary by the department.

(35) Vital Statistics Act--The Health and Safety Code, Title 3.

(36) Vital Statistics Unit--The office, formally known as the Bureau of Vital Statistics, within the Texas Department of State Health Services, formerly known as the Texas Department of Health, charged with the implementation of the Texas Vital Statistics Act.

Source Note: The provisions of this §181.1 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective November 19, 1991, 16 TexReg 6297; amended to be effective July 17, 1995, 20 TexReg 4687; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896

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