

STATE BOARD OF HEALTH: May Establish designation for registration districts.

3-22

March 21, 1935.



State Board of Health
Jefferson City, Missouri

Attention of Dr. E. T. McGaugh

Dear Doctor McGaugh:

Acknowledgment is herewith made of your request for an opinion of this office respecting the designation of registration districts for the registration of births and deaths. Your request is long and for that reason I shall only quote a part thereof:

"I am herewith submitted to you a question concerning the possibility of a change being made in the naming and identifying of the birth and death registration districts of each county and the local registrar in charge of such districts.

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Will you please render to this office an opinion as to whether or not there is anything in the statutes preventing the State Registrar from designating his districts in the above mentioned manner."

I.

REGISTRATION OF BIRTHS AND
DEATHS 'IN CHARGE' OF STATE
BOARD OF HEALTH.

All state health matters are under the general supervision and direction of the State Board of Health. The registration of births and deaths is provided for in Article II, Chapter 52, R. S. Mo. 1929, Section 9040 of such Article reads as follows:

"It shall be the duty of the state board of health to have charge of the state system of registration of births and deaths; to prepare the necessary methods, forms and blanks for obtaining and preserving such records, and to insure the faithful registration of the same in the registration districts and in the central bureau of vital statistics at the capital of the state. The said board shall be charged with the uniform and thorough enforcement of the law throughout the state, and shall from time to time promulgate any additional forms and amendments that may be necessary for this purpose."

By this provision a specific duty is laid upon the State Board of Health to have charge of and direct the state system of registration of births and deaths. So as to effectuate this duty it is authorized to establish uniform and thorough enforcement of the law and to promulgate such additional forms and amendments, rules and regulations as may be necessary or advisable to effectuate the purpose of the act.

By virtue of Section 9042 R. S. No. 1929, the State Board of Health is required to designate the boundaries of rural registration districts. By Section 9043 the State Board of Health is authorized and required to appoint local registrars and for cause to remove such appointees. The duties of the State Registrars are principally set forth in Sections 9057 and 9062, which sections though laying specific duties on the State Registrar do not authorize the changing by him of the method of designating registration districts.

In view of the specific duty laid upon the State Board of Health to prepare the necessary methods to insure the faithful registration of births and deaths, it appears certain that if this responsibility rests with the Board of Health it is their duty to promulgate the necessary rules and regulations. A practical method of classifying and designating the various registration districts would seem to have considerable bearing upon the efficiency of the Department.

It is therefore the opinion of this office that a promulgation of a systematic designation of registration districts for the purpose of registering births and deaths rests in the State Board of Health.

II.

STATE BOARD OF HEALTH MAY PROMULGATE
ANY EFFICIENT METHOD OF DESIGNATING
REGISTRATION DISTRICTS.

Section 9042 R. S. No. 1928, provides the only limitation upon the State Board of Health in the manner of designating registration districts for the purpose of registering births and deaths. This section reads as follows:

"For the purpose of this article the state shall be divided into registration districts, as follows: Each city and incorporated town shall constitute a primary registration district; and for that portion of each county outside of the cities and incorporated towns therein, the state board of health shall define and designate the boundaries of a sufficient number of rural registration districts, which it may change from time to time as may be necessary to insure the convenience and completeness of registration."

It is apparent that this section in itself constitutes every city and incorporated town as a primary registration district. It also provides for the designation of rural registration districts by the State Board of Health. This statute distinguishes between primary registration districts and rural registration districts and so long as this statutory classification is retained, the State Board of Health may adopt any numerical or other designation deemed advisable, conformable to such statutory provision. The statute particularly constitutes every city and incorporated town as a primary registration district and any classification conflicting with such statutory requirement would be void.

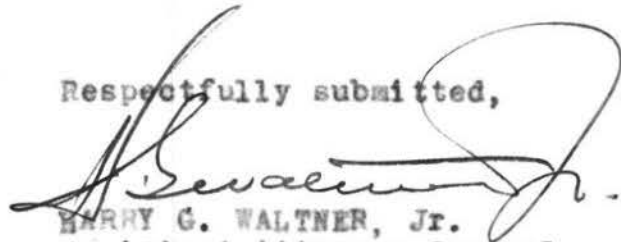
The plan detailed in your communication would appear to ignore this statutory classification. However, if it does not in fact do so, it could be adopted by the Board if in the judgment of the Board such system would insure the faithful registration of births and deaths.

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CONCLUSION.

It is therefore the opinion of this office that subject to the provisions of Section 9042 R. S. Mo. 1929, the State Board of Health is at liberty to adopt any system for the designation of registration districts which the Board might deem advisable in insuring the faithful registration of births and deaths.

Respectfully submitted,



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Assistant Attorney General

APPROVED:

ROY MCKITTRICK,
Attorney General

HGW:MM