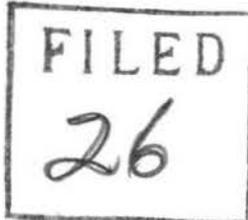


EMBALMING: ) No legal requirement that a licensed  
                  ) embalmer sign death certificate of  
BOARD OF: ) one not embalmed.  
DEATH CERTIFICATE: )  
VITAL STATISTICS: )



January 13, 1953 1-21-53

Hon. Henry G. Edwards, Secretary  
Missouri State Board of Embalming  
Bevier, Missouri

Dear Mr. Edwards:

This is in reply to your request for an opinion which we  
restate as follows:

Is it necessary that a licensed embalmer sign the  
back of the death certificate in the case of bodies  
which are not embalmed?

The general provision setting forth the requirements as  
to the forms of certificates is found in Section 193.160  
RSMo 1949 and is as follows:

"The forms of certificates shall include  
as a minimum the items required by the  
respective standard certificates as recom-  
mended by the national office of vital  
statistics subject to approval of and  
modification by the division. The form  
and use of such certificate shall be  
subject to the provisions of section  
193.240."

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The section making provision for the signing of death certificates is Section 193.240, RSMo 1949 which reads as follows:

"The records and files of the bureau of vital statistics are open to inspection, subject to the provisions of this law and regulations of the division; but it is unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this law and by the division.

"2. Disclosure of illegitimacy of birth or of information from which it can be ascertained, may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose; or upon the request of the individual whose birth registration is involved, when such information is necessary to the establishment of any claim against the federal government.

"3. The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the division or a court under the limitations of this section.

"4. The division may permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made.

"5. Subject to the provisions of this section the division may direct local

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registrars to make a return upon the filing of birth, death and still-birth certificates with them of certain data shown thereon to federal, state or municipal agencies. Payment by such agencies for such services may be made through the state registrar to local registrars as the division shall direct."

We are unable to find either in the statutes or in the rules and regulations of the Division of Health any requirement that the death certificate of a person not embalmed be filled out by a licensed embalmer.

CONCLUSION

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Therefore, it is the conclusion of this Department that there is no legal requirement that a licensed embalmer fill out a death certificate of a person not embalmed.

Respectfully submitted

JOHN R. BATY  
Assistant Attorney General

APPROVED:

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JOHN M. DALTON  
ATTORNEY GENERAL

JMD:A