

Introduced by Senator Speier

February 15, 2001

An act to amend Section 103525 of the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as introduced, Speier. Birth certificates: certified copies: access.

Existing law prescribes the information to be included on a certificate of live birth, including specified medical and social information that is required to be kept confidential. Existing law requires a State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to any applicant a certified copy of the record of birth, except information that is designated confidential.

This bill would restrict the persons who may be provided with a certified copy of a birth certificate, would require state and local registrars and county recorders to comply with various requirements, and would specify requirements for the dissemination of these birth records through a publicly sanctioned Internet service.

By imposing new duties on local registrars and county recorders, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 103525 of the Health and Safety Code
2 is amended to read:

3 103525. (a) The State Registrar, local registrar or county
4 recorder shall, upon request and payment of the required fee,
5 supply to any applicant a certified copy of the record of any ~~birth,~~
6 fetal death, death, marriage, or marriage dissolution registered
7 with the official.

8 ~~When~~

9 (b) *To supply to an applicant a certified copy of the record of*
10 *any birth, the State Registrar, local registrar, or county recorder*
11 *shall comply with the following requirements:*

12 (1) *If the applicant requesting a certified copy of a birth*
13 *certificate is the subject of the birth record, or if the subject is a*
14 *minor, the minor or the parent or guardian of the minor, the*
15 *applicant shall present a valid driver's license or identification*
16 *issued by the Department of Motor Vehicles. The applicant's*
17 *driver's license or identification number and address shall be*
18 *recorded and maintained by the registrar or recorder.*

19 (2) *If an applicant requesting a certified copy of a birth*
20 *certificate is not the subject of the birth record, or if the subject is*
21 *a minor, the minor or the parent or guardian of that minor, the*
22 *following shall apply:*

23 (A) *The applicant shall present a valid driver's license or*
24 *identification issued by the Department of Motor Vehicles.*

25 (B) *The applicant shall submit a signed statement from the*
26 *subject of the birth record, or if the subject is a minor, the parent*
27 *or guardian of that minor, authorizing the applicant to obtain the*
28 *certificate. If the subject of the birth record is a mentally*
29 *incapacitated adult, the authorization shall be made by that*
30 *person's legal guardian or conservator. When the person's legal*



1 guardian or conservator signs an authorization, he or she shall
2 clearly state his or her relationship to that person.

3 (3) The registrar or recorder shall deny a record to an applicant
4 who is not the subject of the birth record or, if the subject is a minor,
5 the minor or the parent or guardian of the minor, or who is not
6 authorized to receive the record pursuant to paragraph (2).

7 (c) The requirements of subdivision (b) shall apply to requests
8 for a certified copy of a birth certificate that is made to a publicly
9 sanctioned service through the Internet. The county shall not
10 supply information subject to subdivision (b) to the Internet
11 service, nor shall the Internet service provide information to which
12 it has access, unless all of the following conditions are met:

13 (1) The Internet service provides to each requestor a form that
14 requires the requestor to provide any information required under
15 this section and directs the requestor to mail the information to the
16 appropriate registrar or recorder with appropriate fees.

17 (2) The Internet service provider receives from the registrar or
18 recorder approval to provide the requested information.

19 (d) When the original forms of certificates of live birth
20 furnished by the State Registrar contain a printed section at the
21 bottom containing medical and social data or labeled
22 “Confidential Information for Public Health Use Only,” that
23 section shall not be reproduced in a certified copy of the record
24 except as specifically authorized in Section 102430.

25 SEC. 2. Notwithstanding Section 17610 of the Government
26 Code, if the Commission on State Mandates determines that this
27 act contains costs mandated by the state, reimbursement to local
28 agencies and school districts for those costs shall be made pursuant
29 to Part 7 (commencing with Section 17500) of Division 4 of Title
30 2 of the Government Code. If the statewide cost of the claim for
31 reimbursement does not exceed one million dollars (\$1,000,000),
32 reimbursement shall be made from the State Mandates Claims
33 Fund.

