

AMENDED IN SENATE JULY 6, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1278**

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**Introduced by Assembly Member Emmerson**

February 22, 2005

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An act to amend Sections 102425, 102426, 102430, 102440, and 103025 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1278, as amended, Emmerson. Vital records.

Existing law requires the Director of Health Services, as the State Registrar of Vital Statistics, to administer the registration of births, deaths, fetal deaths, and marriages. Existing law requires the certificate of live birth to contain information necessary to establish the fact of live birth as well as medical and social information.

This bill would revise the medical and social information to be included on a certificate of live birth relating to prenatal activities and procedures and principal sources of payment for prenatal care and delivery.

Existing law requires the State Registrar to appoint a Vital Statistics Advisory Committee to, among other duties, review and make recommendations to the State Registrar as to proposals for addition or deletion of items on the certificate of live birth and advise the State Registrar on the content and format of the certificate.

This bill would require the advisory committee to conduct a review of the contents of the certificate of live birth to coincide with

decennial revisions by the National Center for Health Statistics to the United States Standard Certificate of Live Birth, and to make recommendations to the State Registrar regarding the adoption of modifications to the state certificate of live birth that are similar to those made to the federal certificate.

Existing law requires the State Registrar to publish within 90 days of receipt of recommendations by the advisory committee a list of recommendations adopted and a list of the recommendations not adopted, with reasons for the action.

This bill would require the State Registrar, notwithstanding the above requirement, to review the advisory committee's recommendations and, at the State Registrar's discretion, to submit to the Legislature, for approval, additions or deletions to the certificate of live birth.

Existing law requires the State Registrar to instruct all local registrars that have automated birth registration to electronically capture the mother's marital status in an electronic file and would prohibit this information from being transcribed onto the actual hard copy of the certificate of live birth.

This bill would require the State Registrar to instruct the local registrars to collect additional information relating to, among other things, the mother's mailing address, height, weight, and smoking habits. The imposition of this new requirement on local registrars would impose a state-mandated local program.

Existing law requires the certificate of fetal death to contain a 1st section containing those items necessary to establish the fact of fetal death, and a 2nd section containing those items relating to medical and health data.

This bill would require that the information contained in the 2nd section be kept confidential and be labeled accordingly.

Existing law provides that the medical and social information contained in a certificate of live birth shall be confidential and limits access to this confidential information to certain persons and entities.

This bill would provide that the 2nd section of the certificate of fetal death relating to medical and health data and the electronic file of certain birth information shall similarly be confidential, and would authorize access by the county coroner and certain other persons and entities to that confidential information as well as to the medical and social information contained in a certificate of live birth.

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.

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 102425 of the Health and Safety Code  
2 is amended to read:  
3 102425. (a) The certificate of live birth for any live birth  
4 occurring on or after January 1, 1980, shall contain those items  
5 necessary to establish the fact of the birth and shall contain only  
6 the following information:  
7 (1) Full name and sex of the child.  
8 (2) Date of birth, including month, day, hour, and year.  
9 (3) Place of birth.  
10 (4) Full name of the father, birthplace, and date of birth of the  
11 father including month, day, and year. If the parents are not  
12 married to each other, the father’s name shall not be listed on the  
13 birth certificate unless the father and the mother sign a voluntary  
14 declaration of paternity at the hospital before the birth certificate  
15 is prepared. The birth certificate may be amended to add the  
16 father’s name at a later date only if paternity for the child has  
17 been established by a judgment of a court of competent  
18 jurisdiction or by the filing of a voluntary declaration of  
19 paternity.  
20 (5) Full birth name of the mother, birthplace, and date of birth  
21 of the mother including month, day, and year.  
22 (6) Multiple births and birth order of multiple births.  
23 (7) Signature, and relationship to the child, of a parent or other  
24 informant, and date signed.  
25 (8) Name, title, and mailing address of the attending physician  
26 and surgeon or principal attendant, signature, and certification of  
27 live birth by the attending physician and surgeon or principal

1 attendant or certifier, date signed, and name and title of the  
2 certifier if other than the attending physician and surgeon or  
3 principal attendant.

4 (9) Date accepted for registration and signature of local  
5 registrar.

6 (10) A state birth certificate number and local registration  
7 district and number.

8 (11) A blank space for entry of the date of death with a caption  
9 reading "Date of Death."

10 (b) In addition to the items listed in subdivision (a), the  
11 certificate of live birth shall contain the following medical and  
12 social information, provided that the information is kept  
13 confidential pursuant to Sections 102430 and 102447 and is  
14 clearly labeled "Confidential Information for Public Health Use  
15 Only":

16 (1) Birth weight.

17 (2) Pregnancy history.

18 (3) Race and ethnicity of the mother and father.

19 (4) Residence address of the mother.

20 (5) A blank space for entry of census tract for the mother's  
21 address.

22 (6) Date of first prenatal care visit, the number of prenatal care  
23 visits, and commencing January 1, 2007, the date of last prenatal  
24 care visit.

25 (7) Date of last normal menses and, commencing January 1,  
26 2007, an obstetric estimate of completed weeks of gestation at  
27 delivery.

28 (8) Description of complications and procedures of pregnancy  
29 and concurrent illnesses, congenital malformation, and any  
30 complication or procedure of labor and delivery, including  
31 surgery, provided that this information is essential medical  
32 information and appears in total on the face of the certificate.

33 (9) Commencing January 1, 2007, hearing screen results.

34 (10) Mother's and father's occupations and kind of business or  
35 industry.

36 (11) Education level of the mother and father.

37 (12) Principal source of payment for prenatal care, which shall  
38 include the following: Medi-Cal, private insurance, self-pay,  
39 other sources, and any other categories as may be determined by  
40 the State Department of Health Services.

1 (13) Expected principal source of payment for delivery, which  
2 shall include the following: Medi-Cal, private insurance,  
3 self-pay, other sources, and any other categories as may be  
4 determined by the State Department of Health Services.

5 (14) An indication of whether or not the child's parent desires  
6 the automatic issuance of a social security number to the child.

7 (15) On and after January 1, 1995, the social security numbers  
8 of the mother and father, unless subdivision (b) of Section  
9 102150 applies.

10 (c) Item 8, specified in subdivision (b), shall be completed by  
11 the attending physician and surgeon or the attending physician  
12 and surgeon's designated representative. The names and  
13 addresses of children born with congenital malformations who  
14 require followup treatment, as determined by the child's  
15 physician and surgeon, shall be furnished by the physician and  
16 surgeon to the local health officer, if permission is granted by  
17 either parent of the child.

18 (d) The parent shall only be asked to sign the form after both  
19 the public portion and the confidential medical and social  
20 information items have been entered upon the certificate of live  
21 birth.

22 (e) The State Registrar shall instruct all local registrars to  
23 collect the information specified in this section with respect to  
24 certificates of live birth. The information shall be transcribed on  
25 the certificate of live birth in use at the time and shall be limited  
26 to the information specified in this section.

27 Information relating to concurrent illnesses, complications and  
28 procedures of pregnancy and delivery, and congenital  
29 malformations shall be completed by the physician and surgeon,  
30 or the physician and surgeon's designee, who shall insert in the  
31 space provided on the confidential portion of the certificate the  
32 appropriate number or numbers listed on the VS-10A  
33 supplemental worksheet. The VS-10A supplemental form shall  
34 be used as a worksheet only and shall not in any manner be  
35 linked with the identity of the child or the mother, nor submitted  
36 with the certificate to the State Registrar. All information  
37 transferred from the worksheet to the certificate shall be fully  
38 explained to the parent or other informant prior to the signing of  
39 the certificate. No questions relating to drug or alcohol abuse  
40 may be asked.

1 (f) (1) The Vital Statistics Advisory Committee, in  
2 accordance with Section 102465, shall conduct a review of the  
3 contents of the certificate of live birth to coincide with decennial  
4 revisions by the National Center for Health Statistics to the  
5 United States Standard Certificate of Live Birth. The Vital  
6 Statistics Advisory Committee shall make recommendations to  
7 the State Registrar regarding the adoption of modifications to the  
8 state certificate of live birth that are similar to those made to the  
9 federal certificate.

10 (2) Notwithstanding Section 102470, the State Registrar shall  
11 review the Vital Statistics Advisory Committee  
12 recommendations and, at the State Registrar's discretion, shall  
13 submit to the Legislature, for approval, additions or deletions to  
14 the certificate of live birth.

15 SEC. 2. Section 102426 of the Health and Safety Code is  
16 amended to read:

17 102426. (a) (1) In addition to the items of information  
18 collected pursuant to Section 102425, the State Registrar shall  
19 instruct all local registrars that have automated birth registration  
20 to electronically capture the information specified in paragraph  
21 (2) in an electronic file. The information shall not be transcribed  
22 onto the actual hard copy of the certificate of live birth.

23 (2) The information required pursuant to paragraph (1) shall  
24 consist of the following:

25 (A) The mother's marital status.

26 (B) The mother's mailing address. *The mother may designate*  
27 *an alternate address at her discretion.*

28 (C) Information about whether the birth mother received food  
29 for herself during the pregnancy pursuant to the Women, Infants,  
30 and Children (WIC) program.

31 (D) The Activity, Pulse, Grimace, Appearance, and  
32 Respiration (Apgar) scores of 5 and 10 minutes.

33 (E) The birth mother's prepregnancy weight, weight at  
34 delivery, and height.

35 (F) Information about smoking before and during pregnancy,  
36 including the average number of cigarettes or packs of cigarettes  
37 smoked during the three months before pregnancy and the  
38 average number of cigarettes or packs of cigarettes smoked  
39 during each trimester of pregnancy.

1 (3) Subparagraphs (B) to (F), inclusive, of paragraph (2) shall  
2 become operative on January 1, 2007.

3 (b) Notwithstanding any provisions of law to the contrary,  
4 information collected pursuant to subparagraph (A) of paragraph  
5 (2) of subdivision (a) shall not under any circumstances be  
6 disclosed or available to anyone except to the department for  
7 demographic and statistical analysis, and to the federal  
8 government, without any personal identifying information, for  
9 demographic and statistical analysis.

10 SEC. 3. Section 102430 of the Health and Safety Code is  
11 amended to read:

12 102430. (a) The second section of the certificate of live birth  
13 as specified in subdivision (b) of Section 102425, the electronic  
14 file of birth information collected pursuant to subparagraphs (B)  
15 to (F), inclusive, of paragraph (2) of subdivision (a) of Section  
16 102426, and the second section of the certificate of fetal death as  
17 specified in Section 103025, shall be confidential. Access to the  
18 confidential portion of any certificate of live birth or fetal death,  
19 and the electronic file of birth information collected pursuant to  
20 subparagraphs (B) to (F), inclusive, of paragraph (2) of  
21 subdivision (a) of Section 102426, shall be limited to the  
22 following:

23 (1) Department staff.

24 (2) Local registrar's staff and local health department staff  
25 when approved by the local registrar or local health officer,  
26 respectively.

27 (3) The county coroner.

28 (4) Persons with a valid scientific interest as determined by the  
29 State Registrar, who are engaged in demographic,  
30 epidemiological or other similar studies related to health, and  
31 who agree to maintain confidentiality as prescribed by this part  
32 and by regulation of the State Registrar.

33 (5) The parent who signed the certificate or, if no parent  
34 signed the certificate, the mother.

35 (6) The person named on the certificate.

36 (7) Any person who has petitioned to adopt the person named  
37 on the certificate of live birth, subject to Section 102705 of the  
38 Health and Safety Code and Sections 9200 and 9203 of the  
39 Family Code.

1 (b) The department shall maintain an accurate record of all  
2 persons who are given access to the confidential portion of the  
3 certificates. The record shall include: the name of the person  
4 authorizing access; name, title, and organizational affiliation of  
5 persons given access; dates of access; and specific purpose for  
6 which information is to be used. The record of access shall be  
7 open to public inspection during normal operating hours of the  
8 department.

9 (c) All research proposed to be conducted using the  
10 confidential medical and social information on the birth  
11 certificate or fetal death certificate shall first be reviewed by the  
12 appropriate committee constituted for the protection of human  
13 subjects that is approved by the federal Department of Health and  
14 Human Services and has a general assurance pursuant to Part 46  
15 of Title 45 of the Code of Federal Regulations. No information  
16 shall be released until the request for information has been  
17 reviewed by the Vital Statistics Advisory Committee and the  
18 committee has recommended to the State Registrar that the  
19 information shall be released.

20 SEC. 4. Section 102440 of the Health and Safety Code is  
21 amended to read:

22 102440. Notwithstanding Sections 102425 and 102430, the  
23 department may transmit to the Social Security Administration  
24 the information necessary to issue a social security number to a  
25 child in a case where the child's parent has requested the  
26 issuance pursuant to paragraph (14) of subdivision (b) of Section  
27 102425.

28 SEC. 5. Section 103025 of the Health and Safety Code is  
29 amended to read:

30 103025. The certificate of fetal death shall contain items as  
31 may be designated by the State Registrar and shall be divided  
32 into two sections. The first section shall contain those items  
33 necessary to establish the fact of the fetal death. The second  
34 section shall contain those items relating to medical and health  
35 data and shall be clearly labeled "Confidential Information for  
36 Public Health Use Only." The information included in the second  
37 section shall be kept confidential pursuant to Section 102430.

38 SEC. 6. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

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