

SB0010S01 compared with SB0010

~~{deleted text}~~ shows text that was in SB0010 but was deleted in SB0010S01.

inserted text shows text that was not in SB0010 but was inserted into SB0010S01.

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Senator Luz Escamilla proposes the following substitute bill:

COMPACT FOR INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~—The Health and Human Services Interim Committee recommended this bill.~~

~~{General Description:~~

This bill enacts the Compact for Interstate Sharing of Putative Father Registry Information.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ describes the purpose of the Compact for Interstate Sharing of Putative Father

Registry Information;

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- ▶ describes the process for entering, withdrawing from, and amending the compact;
- ▶ describes the responsibilities and privileges of states participating in the compact;
- ▶ addresses the privacy, retention, and use of putative father registry information shared under the compact;
- ▶ includes a severability clause; and
- ▶ requires the state registrar, appointed by the Department of Health, to study the procedures necessary to implement the Compact for Interstate Sharing of Putative Father Registry Information.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26-2-3, as last amended by Laws of Utah 2013, Chapter 474

ENACTS:

78B-6-121.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-2-3** is amended to read:

26-2-3. Department duties and authority.

(1) As used in this section:

(a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry Information created in Section 78B-6-121.5, effective on May 10, 2016.

(b) "Putative father":

(i) has the same meaning as defined in Section 78B-6-121.5; and

(ii) includes an unmarried biological father.

(c) "State registrar" means the state registrar of vital records appointed under Subsection (2)(e).

(d) "Unmarried biological father" has the same meaning as defined in Section 78B-6-103.

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~~[(1)]~~ (2) The department shall:

(a) provide offices properly equipped for the preservation of vital records made or received under this chapter;

(b) establish a statewide vital records system for the registration, collection, preservation, amendment, and certification of vital records and other similar documents required by this chapter and activities related to them, including the tabulation, analysis, and publication of vital statistics;

(c) prescribe forms for certificates, certification, reports, and other documents and records necessary to establish and maintain a statewide system of vital records;

(d) prepare an annual compilation, analysis, and publication of statistics derived from vital records; and

(e) appoint a state registrar to direct the statewide system of vital records.

~~[(2)]~~ (3) The department may:

(a) divide the state from time to time into registration districts; and

(b) appoint local registrars for registration districts who under the direction and supervision of the state registrar shall perform all duties required of them by this chapter and department rules.

~~[(3)]~~ (4) The state registrar appointed under Subsection ~~[(1)(e)]~~ (2)(e) shall ~~[- during the 2013 interim, report to the Health and Human Services Interim Committee on the feasibility of partnering with the public legal notice website described in Subsection 45-1-101(2)(b) to create a national putative father registry.];~~

(a) with the input of Utah stakeholders and the Uniform Law Commission, study the following items for the state's implementation of the compact:

(i) the feasibility of using systems developed by the National Association for Public Health Statistics and Information Systems, including the State and Territorial Exchange of Vital Events (STEVE) system, and the Electronic Verification of Vital Events (EVVE) system or similar systems, to exchange putative father registry information with states that are parties to the compact;

(ii) procedures necessary to share putative father information, located in the confidential registry maintained by the state registrar, upon request from the state registrar of another state that is a party to the compact;

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(iii) procedures necessary for the state registrar to access putative father information located in a state that is a party to the compact, and share that information with persons who request a certificate from the state registrar;

(iv) procedures necessary to ensure that the name of the mother of the child who is the subject of a putative father's notice of commencement, filed pursuant to Section 78B-6-121, is kept confidential when a state that is a party to the compact accesses this state's confidential registry through the state registrar; and

(v) procedures necessary to ensure that a putative father's registration with a state that is a party to the compact is given the same effect as a putative father's notice of commencement filed pursuant to Section 78B-6-121; and

(b) report to the Health and Human Services Interim Committee before November 1, 2015, on the study items described in Subsection (4)(a).

Section 2. Section **78B-6-121.5** is enacted to read:

78B-6-121.5. Compact for Interstate Sharing of Putative Father Registry

Information -- Severability clause.

COMPACT FOR INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

ARTICLE I

PURPOSE

This compact enables the sharing of putative father registry information collected by a state that is a party to the compact with all other states that are parties to the compact.

ARTICLE II

DEFINITIONS

(1) "Putative father" means a man who may be the biological father of a child because the man had a sexual relationship with a woman to whom he is not married.

(2) "Putative father registry" mean a registry of putative fathers maintained and used by a state as part of its legal process for protecting a putative father's rights.

(3) "State" includes a state, district, or territory of the United States.

ARTICLE III

ENTRY, WITHDRAWAL, AND AMENDMENTS

(1) A state is a party to this compact upon enactment of this compact by the state into

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state law.

(2) Upon providing at least 60 days' notice of withdrawal from this compact to each party to the compact and repealing the compact from state law, a state is no longer party to this compact.

(3) This compact is amended upon enactment of the amendment into state law by each party to the compact.

ARTICLE IV

INTERSTATE SHARING OF PUTATIVE FATHER REGISTRY INFORMATION

(1) A party to this compact shall communicate information in its putative father registry about a specific putative father to any other party to this compact in a timely manner upon request by the other party.

(2) A party to this compact is not required to have a putative father registry in order to request putative father registry information from another party to the compact.

(3) Putative father registry information requested by a party to this compact from another party to this compact is subject to the laws of the requesting party governing the privacy, retention, and authorized uses of putative father information or, if the requesting party does not have a putative father registry, the laws of the party supplying the information governing the privacy, retention, and authorized uses of putative father information.

(4) Notwithstanding Article IV, Subsection (3) of this compact, the request for or receipt of putative father registry information by a party to this compact from another party to this compact does not affect the application of the requesting party's laws, including laws regarding adoption or the protection of a putative father's rights, except as explicitly provided by the requesting party's laws.

(5) Failure by a party to this compact to provide accurate putative father registry information in a timely manner to another party to this compact upon request does not affect application of the requesting party's laws, including laws governing adoption and the protection of a putative father's rights, except as explicitly provided by the requesting party's laws.

(6) Each party to this compact shall work with every other party to this compact to facilitate the timely communication of putative father registry information between compact parties upon request.

ARTICLE V

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SEVERABILITY

The provisions of this compact are severable. If any provision of this compact or the application of any provision of this compact to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction for a state that is a member of this compact, the remainder of this compact shall be given effect within that state without the invalid provision or application. If a provision of this compact is severed in one or more states as a result of one or more court decisions, the provision shall remain in force in all other states that are parties to this compact.

Section 3. **Effective date.**

~~{This}~~(1) Except as provided in Subsection (2), this bill takes effect on May ~~10~~, 2016, except that the provisions in Subsection 26-2-3(4) in this bill take effect immediately.

Legislative Review Note

as of 6-4-14 11:18 AM

Office of Legislative Research and General Counsel, 12, 2015.

(2) The actions affecting Section 78B-6-121.5 take effect on May 10, 2016.