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H.B. 423

BIRTH CERTIFICATE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill enacts provisions related to the Office of Vital Records and Statistics.

Highlighted Provisions:

This bill:

- defines terms;
- clarifies what type of information the Office of Vital Records and Statistics must delete;
- clarifies who must submit a certificate of live birth;
- clarifies when a certificate of live birth must be submitted; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-4, as last amended by Laws of Utah 2022, Chapters 231, 365

26-2-5, as last amended by Laws of Utah 2019, Chapter 349

26-2-8, as last amended by Laws of Utah 1995, Chapter 202

H.B. 423

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

Section 1. Section **26-2-4** is amended to read:

26-2-4. Content and form of certificates and reports.

(1) As used in this section:

(a) "Additional information" means information that is beyond the information necessary to comply with federal standards or state law for registering a birth.

(b) "Diacritical mark" means a mark on a letter from the ISO basic Latin alphabet used to indicate a special pronunciation.

(c) "Diacritical mark" includes accents, tildes, graves, umlauts, and cedillas.

(2) Except as provided in Subsection (8), to promote and maintain nationwide uniformity in the vital records system, the forms of certificates, certification, reports, and other documents and records required by this chapter or the rules implementing this chapter shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval, additions, and modifications by the department.

(3) Certificates, certifications, forms, reports, other documents and records, and the form of communications between persons required by this chapter shall be prepared in the format prescribed by department rule.

(4) All vital records shall include the date of filing.

(5) Certificates, certifications, forms, reports, other documents and records, and communications between persons required by this chapter may be signed, filed, verified, registered, and stored by photographic, electronic, or other means as prescribed by department rule.

(6) (a) An individual may use a diacritical mark in an application for a vital record.

(b) The office shall record a diacritical mark on a vital record as indicated on the application for the vital record.

(7) The absence of a diacritical mark on a vital record does not render the document invalid or affect any constructive notice imparted by proper recordation of the document.

(8) (a) The state:

(i) may collect the Social Security number of a deceased individual; and

(ii) may not include the Social Security number of an individual on a certificate of death.

(b) For registering a birth, the department may not require an individual to provide additional information.

(c) The department may request additional information if the department provides a written statement that:

(i) discloses that providing the additional information is voluntary;

(ii) discloses how the additional information will be used and the duration of use;

(iii) describes how the department prevents the additional information from being used in a manner different from the disclosure given under Subsection [~~(6)(c)(ii)~~] (8)(c)(ii); and

(iv) includes a notice that the individual is consenting to the department's use of the additional information by providing the additional information.

(d) (i) Beginning July 1, 2022, an individual may submit a written request to the department to de-identify the individual's additional information contained in the department's databases.

(ii) Upon receiving the written request, the department shall:

(A) de-identify the additional information[~~.~~]; and

(B) for additional information that is inherently identifying, delete the inherently identifying additional information.

(e) The department shall de-identify or delete additional information contained in the department's databases before the additional information is held by the department for longer than six years.

Section 2. Section **26-2-5** is amended to read:

26-2-5. Birth certificates -- Execution and registration requirements.

(1) As used in this section[~~,~~]:

(a) "[~~birthing~~] Birthing facility" means:

(i) a general acute hospital as defined in Section 26-21-2; or

(ii) a birthing center as defined in Section 26-21-2.

(b) "Birthing facility administrator" means an individual who has been designated by a birthing facility to submit a birth registration.

(2) [~~For each live birth occurring in the state, a certificate shall be filed with the local registrar for the district in which the birth occurred within 10 days following the birth. The certificate shall be registered if it is completed and filed in accordance with this chapter~~] The

office shall register a certificate filed under this section if the certificate is completed and filed in accordance with this section.

(3) (a) For each live birth that occurs in a birthing facility[~~, the administrator of the birthing facility, or his designee,~~], the birthing facility administrator, attending physician, or nurse midwife shall:

(i) obtain and enter the information required under this chapter [~~on the certificate, securing the required signatures, and filing the certificate~~] in the electronic birth registration system no later than 10 days from the day the birth occurred;

(ii) provide the parent the opportunity to review the information to ensure accuracy; and

(iii) submit the birth registration.

(b) (i) The date, time, place of birth, and required medical information shall be certified by the birthing facility administrator [~~or his designee~~].

(ii) The attending physician or nurse midwife may sign the certificate, but if the attending physician or nurse midwife has not signed the certificate within seven days of the date of birth, the birthing facility administrator [~~or his designee~~] shall enter the attending physician's or nurse midwife's name and transmit the certificate to the local registrar.

(iii) The information on the certificate about the parents shall be provided and certified by the mother or father or, in their incapacity or absence, by a person with knowledge of the facts.

(4) (a) (i) For [~~live births that occur~~] a live birth that occurs outside a birthing facility, the birth certificate shall be completed and filed by the physician, physician assistant, nurse, midwife, or other [~~person~~] medical professional primarily responsible for providing assistance to the mother at the birth no later than 10 days from the day the birth occurred.

(ii) If [~~there is no such person~~] the birth occurred without assistance from an individual described in Subsection (4)(a)(i), [~~either~~] the presumed or declarant father shall complete and file the certificate.

(iii) In [~~his~~] the absence of the father, the mother shall complete and file the certificate, and in the event of her death or disability, the owner or operator of the premises where the birth occurred shall do so.

(b) The certificate shall be completed as fully as possible and shall include the date,

time, and place of birth, the mother's name, and the signature of the person completing the certificate.

(5) (a) For each live birth to an unmarried mother that occurs in a birthing facility, the birthing facility administrator [~~administrator or director of that facility, or his designee,~~] shall:

(i) provide the birth mother and declarant father, if present, with:

(A) a voluntary declaration of paternity form published by the state registrar;

(B) oral and written notice to the birth mother and declarant father of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the declaration; and

(C) the opportunity to sign the declaration;

(ii) witness the signature of a birth mother or declarant father in accordance with Section 78B-15-302 if the signature occurs at the facility;

(iii) enter the declarant father's information on the original birth certificate, but only if the mother and declarant father have signed a voluntary declaration of paternity or a court or administrative agency has issued an adjudication of paternity; and

(iv) file the completed declaration with the original birth certificate.

(b) If there is a presumed father, the voluntary declaration will only be valid if the presumed father also signs the voluntary declaration.

(c) The state registrar shall file the information provided on the voluntary declaration of paternity form with the original birth certificate and may provide certified copies of the declaration of paternity as otherwise provided under Title 78B, Chapter 15, Utah Uniform Parentage Act.

(6) (a) The state registrar shall publish a form for the voluntary declaration of paternity, a description of the process for filing a voluntary declaration of paternity, and of the rights and responsibilities established or effected by that filing, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act.

(b) Information regarding the form and services related to voluntary paternity establishment shall be made available to birthing facilities and to any other entity or individual upon request.

(7) The name of a declarant father may only be included on the birth certificate of a child of unmarried parents if:

(a) the mother and declarant father have signed a voluntary declaration of paternity; or

(b) a court or administrative agency has issued an adjudication of paternity.

(8) Voluntary declarations of paternity, adjudications of paternity by judicial or administrative agencies, and voluntary rescissions of paternity shall be filed with and maintained by the state registrar for the purpose of comparing information with the state case registry maintained by the Office of Recovery Services pursuant to Section 62A-11-104.

Section 3. Section **26-2-8** is amended to read:

26-2-8. Birth certificates -- Delayed registration.

(1) When a certificate of birth [~~of~~] for a person born in this state has not been filed [~~within~~] in accordance with the time provided in [~~Subsection 26-2-5(2)~~] Section 26-2-5, a certificate of birth may be filed in accordance with department rules and subject to this section.

(2) (a) The registrar shall mark a certificate of birth as "delayed" and show the date of registration if the certificate is registered one year or more after the date of birth.

(b) The registrar shall abstract a summary statement of the evidence submitted in support of delayed registration onto the certificate.

(3) When the minimum evidence required for delayed registration is not submitted or when the state registrar has reasonable cause to question the validity or adequacy of the evidence supporting the application, and the deficiencies are not corrected, the state registrar:

(a) may not register the certificate; and

(b) shall provide the applicant with a written statement indicating the reasons for denial of registration.

(4) The state registrar has no duty to take further action regarding an application which is not actively pursued.