

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes technical and substantive changes to statutes governing vital statistics, in part to conform to rules adopted in 2000. Substantive changes include allowing unmarried parents to determine their child's surname, lowering the age at which the child who is the subject of a birth record may access birth data from 18 to 16 years of age, giving researchers access to certain health data associated with birth registration, and exempting certain applications for replacement of birth records from a \$20 fee.

Section

- 1 **Delayed registration.** Amends § 144.212, subd. 2a. Amends a subdivision defining delayed registration, by modifying a term used throughout the statutes on vital statistics (birth certificate and death certificate are being changed to birth record and death record). Also clarifies that a delayed registration is one filed one or more years after the date of the birth or death being registered.
- 2 **File.** Amends § 144.212, subd. 3. Amends the definition of file, to mean presenting a vital record or report to the office of the state registrar and having the record or report accepted by the state registrar.
- 3 **Registration.** Amends § 144.212, subd. 5. Amends the definition of registration, to mean the process by which vital records are completed, filed, and incorporated into the official records of the office of the state registrar.
- 4 **System of vital statistics.** Amends § 144.212, subd. 7. Amends the definition of system of vital statistics, to specify that it includes the dissemination of vital statistics.
- 757 Amends § 144.212, subs. 8, 9, and 12. Amends the definitions of vital record, vital statistics, and consent to disclosure by modifying terms used.
- 8 **Districts.** Amends § 144.214, subd. 1. Eliminates the city of St. Paul as a separate district for the registration of vital statistics. Also specifies that the local registrar in each county is

designated by the county board of commissioners, instead of designating the district court administrator for each county as the local registrar.

- 9 **Duties.** Amends § 144.214, subd. 3. Eliminates from the list of duties for local registrars, the duties of examining each birth or death certificate and registering complete certificates only.
- 10 **Designated morticians.** Amends § 144.214, subd. 4. Modifies a term used.
- 11 **When and where to file.** Amends § 144.215, subd. 1. Requires birth records to be filed with the state registrar, instead of allowing the record to be filed with either the state registrar or the appropriate local registrar. Modifies a term used.
- 12 **Father's name; child's name.** Amends § 144.215, subd. 3. Modifies a term used. Also authorizes unmarried parents who voluntarily establish paternity to determine together their child's surname, rather than requiring the child's surname to be that of the father.
- 13 **Social security number registration.** Amends § 144.215, subd. 4. Modifies a term used. Requires parents' social security numbers to be reported to the office of the state registrar instead of the office of vital statistics and makes a conforming change.
- 14 **Births occurring outside an institution.** Amends § 144.215, subd. 6. Modifies a term used. For births occurring outside an institution, moves the order of preference for a mother to file her child's birth certificate to after the father of the child but before the person responsible for the premises where the child is born (in current law, the mother has the same level of preference as the father).
- 15 **Evidence required to register a noninstitution birth within the first year of birth.** Amends § 144.215, subd. 7. Modifies a term used. For births occurring outside an institution, requires evidence supporting the facts of the birth to be filed in all cases, as part of filing a birth record (current law requires such evidence only when the state and local registrar do not have personal knowledge of the facts of the birth).
- 16 **Delayed records of birth.** Amends § 144.217. Modifies terms used and makes technical changes. Prohibits registration of a delayed record of birth for a deceased person. Strikes a subdivision requiring certified copies of court orders regarding registration of delayed birth records to be forwarded to local registrars, and allowing certified copies of court orders to be admissible as birth certificates.
- 17 **Replacement birth records.** Amends § 144.218. Modifies terms used. Allows information contained in the original birth record, except for the registration number, to be provided upon request to a parent who is named in the original record. Makes submission of an adoption certificate for a foreign-born person sufficient for the state registrar to register a birth record in the adopted person's new name. A new subdivision 5 requires a replacement birth record to be registered upon a court order, at the request of a court in another state, or upon a filing of a declaration of parentage or recognition of parentage.
- 18 **When and where to file.** Amends § 144.221, subd. 1. Modifies terms used.
- 19 **When no body is found.** Amends § 144.221, subd. 3. Eliminates a requirement that a court order finding death has occurred be attached to a death record, when a death record is registered when circumstances suggest a death has occurred but no body is found.
- 20 **Sudden infant death.** Amends § 144.222, subd. 2. Requires reports of sudden infant deaths to be filed with the state registrar within five days, instead of promptly as in current law.
- 21 **Report of marriage.** Amends § 144.223. Modifies terms used and makes technical changes.
- 22 **Public information; access to vital records.** Amends § 144.225, subd. 1. Modifies a cross-reference from a section being repealed to a section being created in this bill, and makes a technical change.

- 23 **Data about births.** Amends § 144.225, subd. 2. When a child's mother and father are not married at the time of the child's birth, allows the mother to designate demographic data (rather than all data) about the birth as public data. Lowers the age at which a child who is the subject of the record may access the data, from 18 to 16 years of age.
- 24 **Laws and rules for preparing vital records.** Amends § 144.225, subd. 3. Modifies a term used, and amends the subdivision title.
- 25 **Access to vital records for research purposes.** Amends § 144.225, subd. 4. Adds a cross-reference, to allow the state registrar to allow medical researchers to access health data associated with birth registrations if the researchers agree in writing to not disclose private or confidential data.
- 26 **Certified birth or death record.** Amends § 144.225, subd. 7. Modifies terms used. A new paragraph (b) requires a state or local registrar to issue a certified death record to certain individuals with a tangible interest in the death record, if a mortician provides the registrar with a properly completed attestation. Specifies that the attestation need not be notarized.
- 27 **Access to original birth record after adoption.** Adds § 144.2252. Directs the state registrar to act according to section 259.89 when an adopted person asks for information on the person's original birth record. Requires the state registrar to provide a transcript of an adopted person's original birth record to a federally recognized Indian tribe, for the sole purpose of determining the adopted person's eligibility for enrollment or membership. Prohibits information given to an Indian tribe from being used to give the adopted person information about the person's birth parents, except as otherwise allowed in statute.
- 28 **Which services are for fee.** Amends § 144.226, subd. 1. In paragraph (a), makes technical changes and clarifies that the fee will be waived for issuance of a new birth or death record within one year of the original's issuance only if the vital record is amended. In paragraph (b), specifies that applications for replacement birth records when recognitions of parentage are filed are not subject to the \$20 replacement fee. In paragraph (d), specifies that any amendment to a vital record made more than 45 days after the record is filed is subject to a \$20 fee (in current law, parties have up to one year to amend a vital record without having to pay a fee).
- 29 **Birth record surcharge.** Amends § 144.226, subd. 3. Modifies terms used, and specifies that the birth record surcharge is nonrefundable.
- 30 **Penalties.** Amends § 144.227. Modifies terms used and makes technical changes.
- 31 **Rights of terminated parent.** Amends § 260C.317, subd. 4. Modifies a cross-reference from a section being repealed to a section created in the bill, and makes technical changes.
- 32 **Revisor's instruction.** Directs the Revisor of Statutes to modify terms used in Minnesota Statutes and Minnesota Rules.
- 33 **Repealer.** Repeals the following statutes: 144.1761 (access to adoption records); 144.217, subd. 4 (filing court orders regarding delayed birth certificates); and 144.219 (amendment of vital records).