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HEALTH AND SAFETY CODE - HSC

DIVISION 102. VITAL RECORDS AND HEALTH STATISTICS [102100 - 103925] (*Division 102 added by Stats. 1995, Ch. 415, Sec. 4.*)

PART 1. VITAL RECORDS [102100 - 103800] (*Part 1 added by Stats. 1995, Ch. 415, Sec. 4.*)

CHAPTER 3. Live Birth Registration [102400 - 102520] (*Chapter 3 added by Stats. 1995, Ch. 415, Sec. 4.*)

ARTICLE 2. Content of Certificate of Live Birth [102425 - 102475] (*Article 2 added by Stats. 1995, Ch. 415, Sec. 4.*)

102425. (a) The certificate of live birth for a live birth occurring on or after January 1, 2016, shall contain those items necessary to establish the fact of the birth and shall contain only the following information:

- (1) Full name and sex of the child.
- (2) Date of birth, including month, day, hour, and year.
- (3) Place of birth.
- (4) Full name, birthplace, and date of birth of each parent, including month, day, and year, and the parental relationship of the parent to the child.
 - (A) The full name of the mother shall be the birth name of the mother.
 - (B) If the birth mother is one of the parents listed on the certificate of live birth, the birth mother's name shall be placed on the second parent line.
 - (C) If the parents are not married to each other, the name of the person identified by the woman giving birth as either the only possible genetic parent other than the woman giving birth or the intended parent of a child conceived through assisted reproduction shall not be listed on the birth certificate unless the woman who gave birth to the child and either the only possible genetic parent other than the woman who gave birth or the intended parent of a child conceived through assisted reproduction sign a voluntary declaration of parentage at the hospital before the birth certificate is submitted for registration. The birth certificate may be amended to add another parent's name at a later date only if parentage for the child has been established by a judgment of a court of competent jurisdiction or by the filing of a voluntary declaration of parentage.
- (5) Multiple births and birth order of multiple births.
- (6) Signature, and relationship to the child, of a parent or other informant, and date signed.
- (7) Name, title, and mailing address of the attending physician and surgeon or principal attendant, signature, and certification of live birth by the attending physician and surgeon or principal attendant or certifier, date signed, and name and title of the certifier, if other than the attending physician and surgeon or principal attendant.
- (8) Date accepted for registration and signature of local registrar.
- (9) A state birth certificate number and local registration district and number.
- (10) A blank space for entry of the date of death with a caption reading "Date of Death."

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

(1) Birth weight.

(2) Pregnancy history.

(3) Race and ethnicity of the mother and any other parent.

(4) Residence address of the birth mother.

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

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

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

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

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

(10) The occupations of the mother and father or parent and kind of business or industry.

(11) Education level of the mother and father or parent.

(12) Principal source of payment for prenatal care, which shall include the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories determined by the State Department of Public Health.

(13) Expected principal source of payment for delivery, which shall include the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories determined by the State Department of Public Health.

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

(15) On and after January 1, 1995, the social security numbers of the mother and father or parent, unless subdivision (d) applies.

(c) When an objection is made by either parent to the furnishing of the information specified in paragraphs (3), (10), and (11) of subdivision (b) for the confidential portion of the certificate of live birth, this information shall not be required to be entered on that portion of the certificate of live birth.

(d) A parent is not required to disclose the parent's social security number as required by paragraph (15) of subdivision (b) if the parent has good cause for not disclosing the parent's social security number. Good cause shall be defined by regulations adopted by the Department of Child Support Services.

(e) Paragraph (8) of subdivision (b) shall be completed by the attending physician and surgeon or the attending physician and surgeon's designated representative. The names and addresses of children born with congenital malformations who require followup treatment, as determined by the child's physician and surgeon, shall be furnished by the physician and surgeon to the local health officer, if permission is granted by either parent of the child.

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

(g) (1) The State Registrar shall instruct all local registrars to collect the information specified in this section with respect to certificates of live birth. The information shall be transcribed on the certificate of live birth in use at the time and shall be limited to the information specified in this section.

(2) Information relating to concurrent illnesses, complications and procedures of pregnancy and delivery, and congenital malformations shall be completed by the physician and surgeon, or the physician and surgeon's designee, who shall insert in the space provided on the confidential portion of the certificate the appropriate number or numbers listed on the VS-10A supplemental worksheet. The VS-10A supplemental form shall be used as a worksheet only and shall not in any manner be linked with the identity of the child or the birth mother, nor submitted with the certificate to the State Registrar. All information transferred from the worksheet to the certificate shall be fully explained to the parent or other informant prior to the signing of the certificate. Questions relating to drug or alcohol abuse shall not be asked.

(h) (1) The Vital Statistics Advisory Committee, in accordance with Section 102465, shall 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. The Vital Statistics Advisory Committee shall 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.

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

(Amended by Stats. 2019, Ch. 539, Sec. 6. (AB 785) Effective January 1, 2020.)

102425.1. (a) Notwithstanding Sections 102465 and 102470, the State Registrar of Vital Statistics, with regard to identification of the parents, shall modify the certificate of live birth to do both of the following:

(1) Contain two lines that both read "Name of Parent."

(2) Contain, next to each parent's name, three checkboxes to choose from with the following options to describe the parent's relationship to the child:

(A) Mother.

(B) Father.

(C) Parent.

(b) (1) The certificate of live birth, as described in subdivision (a), shall be used by all local registrars, deputy registrars, and subregistrars.

(2) The local registrars, deputy registrars, and subregistrars shall update all forms to incorporate the modification and discard all forms in use before the modification described in subdivision (a).

(c) The parent or informant signing the certificate of live birth pursuant to paragraph (6) of subdivision (a) of Section 102425 shall determine which parent relationship designation, as described in subdivision (a), to select for each parent. The informant shall first consult with one of the parents in selecting the appropriate parent relationship designation, or, in the event that no parent is available, the informant shall not select any checkboxes.

(d) The parent relationship designations on a certificate of live birth described in subdivision (a) may be amended in the manner prescribed in Article 1 (commencing with Section 103225) if the amendment affidavit is signed by at least one parent.

(e) For all births occurring prior to January 1, 2016, a parent may amend, in the manner prescribed in Article 1 (commencing with Section 103225), the title of "Mother/Parent" and "Father/Parent" on the certificate of live birth to instead have one of the parent relationship designations specified in paragraph (2) of subdivision (a).

(f) This section shall become operative on January 1, 2016.

(Added by Stats. 2014, Ch. 334, Sec. 4. (AB 1951) Effective January 1, 2015. Section operative January 1, 2016, by its own provisions.)

102425.2. (a) If the birth mother is one of the parents listed on the certificate of live birth pursuant to paragraph (4) of subdivision (a) of Section 102425, the birth mother's name, date of birth, and place of birth shall be linked to her medical and social information collected pursuant to subdivision (b) of Section 102425 and paragraph (2) of subdivision (a) of Section 102426. This linkage shall be confidential and may only be accessed, as permitted under subdivision (b) of Section 102426 and Section 102430.

(b) This section shall become operative on January 1, 2016.

(Added by Stats. 2014, Ch. 334, Sec. 5. (AB 1951) Effective January 1, 2015. Section operative January 1, 2016, by its own provisions.)

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

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

(A) The mother's marital status.

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

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

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

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

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

(G) The planned place of birth and whether it was a hospital, freestanding birthing center, home delivery, clinic or physician's office, or other specified place.

(H) The email address and mobile telephone numbers of the intended parents, if voluntarily provided by the parents, to be used for the California Kids Investment and Development Savings Program pursuant to Article 19.5 (commencing with Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code.

(I) Assigned sex at birth of the child.

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

(b) Notwithstanding any law to the contrary, information collected pursuant to subparagraph (A) of paragraph (2) of subdivision (a) shall not under any circumstances be disclosed or available to anyone, except for both of the following:

(1) The State Department of Public Health and the Department of Child Support Services for demographic and statistical analysis. The Department of Child Support Services shall keep information received pursuant to this subdivision confidential in accordance with Section 17212 of the Family Code.

(2) The federal government, without any personal identifying information, for demographic and statistical analysis.

(c) Notwithstanding any law to the contrary, information collected pursuant subparagraph (H) of paragraph (2) of subdivision (a), if voluntarily provided by the parents, shall not under any circumstances be disclosed or available to anyone except for the Scholarshare Investment Board created pursuant to Section 69984 of the Education Code. The information shall be collected as long as the California Kids Investment and Development Savings Program is operational and actively opening new KIDS accounts, as defined in subdivision (g) of Section 69996.2 of the Education Code, for eligible children.

(Amended by Stats. 2021, Ch. 577, Sec. 3. (AB 218) Effective January 1, 2022.)

102430. (a) The second section of the certificate of live birth as specified in subdivision (b) of Section 102425, the electronic file of birth information collected pursuant to subparagraphs (B) to (I), inclusive, of paragraph (2) of subdivision (a) of Section 102426, the birth mother linkage collected pursuant to Section 102425.2, and the second section of the certificate of fetal death as specified in Section 103025, are confidential. Access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information collected pursuant to subparagraphs (B) to (I), inclusive, of paragraph (2) of subdivision (a) of Section 102426, and the birth mother linkage collected pursuant to Section 102425.2 shall be limited to the following:

(1) Department staff.

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

(3) The county coroner.

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

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

(6) The person named on the certificate.

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

(8) The following state government departments requesting the information for official government business purposes as deemed appropriate by the State Registrar, that agree to maintain confidentiality as prescribed by this part:

(A) The State Department of Public Health.

(B) The State Department of Health Care Services.

(C) The Department of Finance. This section shall not be construed as a limitation of the authority granted to the Department of Finance in Sections 13073 to 13073.5, inclusive, of the Government Code.

(D) The Scholarshare Investment Board, for the purpose of implementing the California Kids Investment and Development Savings Program pursuant to Article 19.5 (commencing with Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, as long as the California Kids Investment and Development Savings Program is operational and actively opening new KIDS accounts, as defined in subdivision (g) of Section 69996.2 of the Education Code, for eligible children.

(E) The Department of Health Care Access and Information.

(9) The birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of reviewing and correcting birth or fetal death records. The birth hospital shall not further disclose the information nor use the information for purposes other than allowed by this part.

(b) (1) The department shall maintain an accurate record of all persons who are given access to the confidential portion of the certificates. The record shall include all of the following:

(A) The name of the person authorizing access.

(B) The name, title, and organizational affiliation of persons given access.

(C) The dates of access.

(D) The specific purpose for which the information is to be used.

(2) The record of access shall be open to public inspection during normal operating hours of the department.

(c) All research proposed to be conducted using the confidential medical and social information on the birth certificate or fetal death certificate shall first be reviewed by the appropriate committee constituted for the protection of human subjects that is approved by the federal Department of Health and Human Services and has a general assurance pursuant to Part 46 of Title 45 of the Code of Federal Regulations. Information shall not be released until the request for information has been reviewed by the Vital Statistics Advisory Committee and the committee has recommended to the State Registrar that the information shall be released.

(Amended by Stats. 2021, Ch. 577, Sec. 4. (AB 218) Effective January 1, 2022.)

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

(Amended by Stats. 2005, Ch. 430, Sec. 4. Effective January 1, 2006.)

102445. After public hearing and consultation with the Vital Statistics Advisory Committee, the State Registrar shall adopt regulations specifying the contents of a medical and health report and shall supply the necessary forms to hospitals and local registrars. The contents of the report shall be limited to the medical, health, or social data necessary to evaluate or improve maternal and child health, as determined by the State Registrar.

The State Registrar shall make a finding that the specific items of information included in the report are not available from other sources at a comparable cost and that sufficient resources and a research design are available to analyze the data collected.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

102447. Notwithstanding Section 102430, a parent's social security number contained in the confidential medical and social information portion of the child's certificate of live birth shall be accessible to the State Department of Child Support Services and local child support agencies for the purposes of operating the Child Support Enforcement Program, as specified in Title IV-D of the federal Social Security Act.

(Amended by Stats. 2000, Ch. 808, Sec. 108. Effective September 28, 2000.)

102450. (a) For each registration of live birth submitted to the local registrar pursuant to Section 102400, the hospital administrator, or the person's representative, shall submit a completed medical and health report that meets the requirements of Section 102445. For live births that occur outside of a hospital, the medical and health report shall be completed and submitted by the local registrar when the local registrar receives the certificate of live birth for registration from the person designated in Section 102415.

(b) The medical and health report shall be submitted to the State Registrar by the local registrar for filing. Such report shall not be kept on file in the offices of the local registrars.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

102455. (a) The medical and health report required pursuant to Section 102445 shall be clearly labeled "Confidential Information for Public Health Use Only." The parent or informant shall be informed of the purposes for collecting the information, its confidential nature, and that completing the specific items is voluntary.

(b) When objection is made by either parent to the furnishing of information requested in a specific item or items in the medical and health report that information shall not be entered.

(c) The mother, father or child shall not be identified by name or any other means in the medical and health report.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

102460. With the exception of statistical tabulation purposes, the medical and health report shall be kept confidential and access to the report shall be limited to the following persons:

(a) State and local registrar's staff.

(b) State and local health department staff.

(c) Persons with a valid educational or scientific interest, as determined by the State Registrar, who are engaged in demographic and epidemiological studies for health purposes.

The department shall maintain an accurate record of all persons who are given access to the report. The record shall include: the name of the persons authorizing access; name, title, and organizational affiliation of persons given access; dates of access; and specific purpose for which information is to be used. The record of access shall be open to public inspection during normal operating hours of the department.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

102465. (a) The State Registrar shall appoint a Vital Statistics Advisory Committee that shall have the following duties:

(1) Review and make recommendations to the State Registrar as to the adequacy of procedures to assure accuracy and confidentiality of personal health and medical information.

(2) Review the findings of the committee for the protection of human subjects pursuant to subdivision (c) of Section 102430 and make recommendations to the State Registrar regarding all requests for studies that propose to use confidential information with respect to whether a legitimate scientific interest is presented and whether the significance of the project justifies use of the confidential information.

(3) Assure that all research conducted using the data from birth certificates is consistent with guidelines provided by an appropriately constituted committee for the protection of human subjects of the department, as specified in subdivision (c) of Section 102430.

(4) 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.

(5) Take testimony and make recommendations to the State Registrar regarding changes in the birth registration system.

(b) The Vital Statistics Advisory Committee shall include representatives from the users, providers, and informant groups who are involved in the process of the provision and collection of information for and the use of the certificate of live birth, and shall include the chairpersons of the Assembly Health Committee and the Senate Health and Welfare Committee or their designated representative, and shall have a majority of lay persons in its composition. The State Registrar shall make every effort to ensure that committee membership is representative of the community at large. Consideration shall be given to providing access to relevant classes of persons including, but not limited to, women, men, racial and ethnic minorities, in proportion to their representation in the affected population.

Membership on the committee shall be for a term of three years, appointments to be made on a staggered basis to allow for one-third membership to change annually.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

102470. The State Registrar shall publish within 30 days of receipt of recommendations by the Vital Statistics Advisory Committee, made pursuant to Section 102465, (1) a list of the recommendations adopted, and (2) a list of the recommendations not adopted,

with reasons for the action.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

102475. (a) Any person who releases a copy of the confidential portion of the certificate of live birth, except as specifically provided by this part, shall be guilty of a misdemeanor, punishable by a fine of five hundred dollars (\$500) or six months in jail. The criminal penalty shall not preclude suit for civil or punitive damages by any individuals harmed by the unauthorized release.

(b) Any person who is the subject of, or the source of information for, a birth certificate, who has reason to believe there has been linkage of confidential information with his or her identity and disclosure of the confidential information to a person not specified in subdivision (a) of Section 102430, shall have a civil right of action against the person releasing the information and may seek punitive damages.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)