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SB-786 County birth, death, and marriage records: blockchain. (2021-2022)

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Senate Bill No. 786

CHAPTER 704

An act to amend Section 103526.5 of the Health and Safety Code, relating to blockchain technology.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 786, Hertzberg. County birth, death, and marriage records: blockchain.

Existing law requires the State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official. Existing law requires the certificate to contain certain information and to be printed on chemically sensitized security paper, as specified.

This bill would authorize a county recorder to, upon request, issue a certified copy of a birth, death, or marriage record issued pursuant to those provisions, in addition to the required method described above, by means of verifiable credential, as defined, using blockchain technology, defined as a decentralized data system, in which the data stored is mathematically verifiable, that uses distributed ledgers or databases to store specialized data in the permanent order of transactions recorded. The bill would require the county recorder to ensure that the release of those copies is subject to technical safeguards sufficient to prevent fraud and unauthorized or illegal access, destruction, use, modification, and disclosure.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 103526.5 of the Health and Safety Code is amended to read:

103526.5. (a) Each certified copy of a birth, death, or marriage record issued pursuant to Section 103525 shall include the date issued, the name of the issuing officer, the signature of the issuing officer, whether that is the State Registrar, local registrar, county recorder, or county clerk, or an authorized facsimile thereof, and the seal of the issuing office.

(b) All certified copies of birth, death, and marriage records issued pursuant to Section 103525 shall be printed on chemically sensitized security paper that measures 8¹/₂ inches by 11 inches and that has the following features:

- (1) Intaglio print.
- (2) Latent image.
- (3) Fluorescent, consecutive numbering with matching barcode.

- (4) Microprint line.
- (5) Prismatic printing.
- (6) Watermark.
- (7) Void pantograph.
- (8) Fluorescent security threads.
- (9) Fluorescent fibers.
- (10) Any other security features deemed necessary by the State Registrar.

(c) (1) The State Registrar may suspend the use of any security feature described in subdivision (b) if necessary to enable the State Registrar, local registrar, county recorder, or county clerk to supply an applicant with a certified copy of a birth, death, or marriage record issued pursuant to Section 103525.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this subdivision through all-county letters or similar instructions from the State Registrar without taking regulatory action.

(d) The State Registrar, local registrars, county recorders, and county clerks shall take precautions to ensure that uniform and consistent standards are used statewide to safeguard the security paper described in subdivision (b), including, but not limited to, all of the following measures:

- (1) Security paper shall be maintained under secure conditions so as not to be accessible to the public.
- (2) A log shall be kept of all visitors allowed in the area where security paper is stored.
- (3) All spoilage shall be accounted for and subsequently destroyed by shredding on the premises.

(e) (1) In addition to the method required by subdivision (b), upon request, a county recorder may issue a certified copy of a birth, death, or marriage record issued pursuant to Section 103525 by means of verifiable credential using blockchain technology.

(2) A county recorder that issues a certified copy of a birth, death, or marriage record pursuant to paragraph (1) shall ensure that the release of the copy is subject to technical safeguards sufficient to prevent fraud, and to protect the document and its contents from unauthorized or illegal access, destruction, use, modification, and disclosure.

(3) For purposes of this subdivision, "blockchain technology" means a decentralized data system, in which the data stored is mathematically verifiable, that uses distributed ledgers or databases to store specialized data in the permanent order of transactions recorded.

(4) For purposes of this subdivision, "verifiable credential" means a cryptographically secure set of information that is both of the following:

- (A) Created in accordance with open standards that comply with all existing privacy protections.
- (B) Shared through a user-controlled, portable means that can be authenticated through publicly available services.