

Introduced by

Senators Davison, Hogan

1 A BILL for an Act to amend and reenact section 23-02.1-27 of the North Dakota Century Code,  
2 relating to access to birth records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-02.1-27 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-02.1-27. Disclosure of records.**

7 Birth, death, and fetal death records, filings, data, or other information related to birth,  
8 death, and fetal death records are confidential and may not be disclosed except as authorized  
9 under this chapter. The state registrar shall restrict access to all vital records to protect vital  
10 records from loss, mutilation, or destruction and to prevent disclosure of the information  
11 contained in these records except as authorized under this chapter.

- 12 1. A certified copy of a birth record may be issued to the individual named on the record if  
13 that individual is at least sixteen years old, to a parent named on the record, to an  
14 authorized representative, or by the order of a court of competent jurisdiction. If the  
15 individual named on a birth record is deceased, a certified copy of that record also  
16 may also be issued to a relative. If the date of birth on any birth record is more than  
17 one hundred and twenty-five years old, that record is an open record and a certified  
18 copy may be issued to anyone, except that adoption records must remain confidential.
- 19 2. A certified copy of a complete death record may be issued to a relative, an authorized  
20 representative, the child fatality review board, a licensed physician for the purposes of  
21 researching family medical history, a funeral director reporting the facts of death, or a  
22 person with personal or real property interests that depend upon information contained  
23 in the complete death record or by the order of a court of competent jurisdiction and  
24 may include the cause of death and the social security number. A certified copy of the

1 facts of death record that includes the facts of death and the social security number  
2 may be issued to any person that may obtain a certified copy of a complete death  
3 record or to any licensed attorney who requires the copy for a bona fide legal  
4 determination. A certified copy of an informational death record may be issued to the  
5 general public, but the copy may not contain the cause of death or the social security  
6 number.

7 3. A certified copy of a fetal death record may be issued to a parent named on the  
8 record, an authorized representative, or by the order of a court of competent  
9 jurisdiction. A person authorized to receive a certified copy of a fetal death record may  
10 request the certified copy be issued in the form of a certification of birth resulting in  
11 stillbirth.

12 4. A noncertified informational copy of a marriage record may be issued to the general  
13 public.

14 5. A person authorized to receive a certified copy of any specific record may grant  
15 another person the same authority by completing a written authorization on a form  
16 prescribed by the state department of health.

17 6. The state department of health may grant limited access to birth and death information  
18 to divisions and programs of the state department of health, the department of  
19 transportation, the protection and advocacy project, and the department of information  
20 technology, and to the department of human services necessary for the purpose of  
21 completing their respective official duties.

22 7. The state department of health may issue, through electronic means determined by  
23 the state department of health, verifications of information contained on birth or death  
24 records filed with the state registrar when such information is provided and a  
25 verification is requested by a governmental agency, whether foreign or domestic, in  
26 the conduct of the agency's official duties. The state department of health also may  
27 also issue these electronic verifications for a negotiated and agreed-upon fee to:

28 a. Benefit-paying parties, such as annuity companies, pension plans, and life  
29 insurance companies, that demonstrate a need for such information to determine  
30 whether the benefits the benefit-paying party are paying should be terminated or  
31 distributed to a beneficiary;

- 1           b. Physicians licensed to practice in the United States who demonstrate such  
2           information is needed to determine whether a patient the physician is treating has  
3           been lost to care;
- 4           c. Attorneys licensed to practice in the United States who demonstrate ~~that~~ the  
5           information is necessary to administer the attorneys' client's estate; or
- 6           d. Other entities for fraud prevention as determined by the state registrar.
- 7       8. The state department of health shall issue a certified copy of a birth record to a  
8       homeless individual or a former foster youth named on the record, regardless of the  
9       individual's age, and without requiring a signature in the presence of a notary public.
- 10       a. The state department of health shall accept as sufficient proof of identity of a  
11       homeless individual or former foster youth submission of one of the following  
12       documents:
- 13           (1) A state-issued driver's license;
- 14           (2) A state-issued identity card;
- 15           (3) A bureau of Indian affairs-issued tribal identification card;
- 16           (4) A United States department of defense-issued military identification card;
- 17           (5) A United States-issued passport;
- 18           (6) A United States-issued visa;
- 19           (7) A United States-issued permanent resident card;
- 20           (8) A social security card;
- 21           (9) A Medicare card;
- 22           (10) A Medicaid card;
- 23           (11) A federal form W-2 issued for the previous tax year;
- 24           (12) A paystub dated within the past three months;
- 25           (13) A vehicle registration card for the current year;
- 26           (14) Educational records from the current or previous year; or
- 27           (15) A letter stating the name of the individual, asserting the individual's identity  
28           and confirming the individual is homeless or a former foster youth, by any of  
29           the following:

- 1                   (a) A director or designee of a governmental or nonprofit entity that  
2                   receives public or private funding to provide services to homeless  
3                   people or former foster youth;  
4                   (b) A local educational agency liaison for homeless children and youth  
5                   designated pursuant to 42 U.S.C. 11432(g)(1)(J)(ii), a local  
6                   educational agency foster care point of contact designated pursuant  
7                   to 20 U.S.C. 6312(c)(5), or a school social worker or counselor;  
8                   (c) A director or designee of a student support services office at an  
9                   institution of higher education; or  
10                  (d) An attorney representing the individual in a legal matter.  
11                  b. As used in this subsection:  
12                  (1) "Homeless individual" means an individual living in a situation described in  
13                  42 U.S.C. 11434A(2).  
14                  (2) "Former foster youth" means an individual who was in foster care at any  
15                  time after the age of thirteen years.