

SENATE BILL NO. 2258

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.~~for an Act to provide for a legislative management study
3 relating to shelter care programs for runaway youth.

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

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

7 ~~**23-02.1-27. Disclosure of records.**~~

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

13 ~~1. A certified copy of a birth record may be issued to the individual named on the record if~~
14 ~~that individual is at least sixteen years old, to a parent named on the record, to an~~
15 ~~authorized representative, or by the order of a court of competent jurisdiction. If the~~
16 ~~individual named on a birth record is deceased, a certified copy of that record also~~
17 ~~may also be issued to a relative. If the date of birth on any birth record is more than~~
18 ~~one hundred and twenty-five years old, that record is an open record and a certified~~
19 ~~copy may be issued to anyone, except that adoption records must remain confidential.~~

20 ~~2. A certified copy of a complete death record may be issued to a relative, an authorized~~
21 ~~representative, the child fatality review board, a licensed physician for the purposes of~~
22 ~~researching family medical history, a funeral director reporting the facts of death, or a~~
23 ~~person with personal or real property interests that depend upon information contained~~
24 ~~in the complete death record or by the order of a court of competent jurisdiction and~~

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

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

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

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

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

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

29 ~~a. Benefit-paying parties, such as annuity companies, pension plans, and life~~
30 ~~insurance companies, that demonstrate a need for such information to determine~~

1 whether the benefits the benefit-paying party are paying should be terminated or
2 distributed to a beneficiary;

3 ~~b. Physicians licensed to practice in the United States who demonstrate such~~
4 ~~information is needed to determine whether a patient the physician is treating has~~
5 ~~been lost to care;~~

6 ~~c. Attorneys licensed to practice in the United States who demonstrate that the~~
7 ~~information is necessary to administer the attorneys' client's estate; or~~

8 ~~d. Other entities for fraud prevention as determined by the state registrar.~~

9 ~~8. The state department of health shall issue a certified copy of a birth record to a~~
10 ~~homeless individual or a former foster youth named on the record, regardless of the~~
11 ~~individual's age, and without requiring a signature in the presence of a notary public.~~

12 ~~a. The state department of health shall accept as sufficient proof of identity of a~~
13 ~~homeless individual or former foster youth submission of one of the following~~
14 ~~documents:~~

15 ~~(1) A state issued driver's license;~~

16 ~~(2) A state issued identity card;~~

17 ~~(3) A bureau of Indian affairs issued tribal identification card;~~

18 ~~(4) A United States department of defense issued military identification card;~~

19 ~~(5) A United States issued passport;~~

20 ~~(6) A United States issued visa;~~

21 ~~(7) A United States issued permanent resident card;~~

22 ~~(8) A social security card;~~

23 ~~(9) A Medicare card;~~

24 ~~(10) A Medicaid card;~~

25 ~~(11) A federal form W-2 issued for the previous tax year;~~

26 ~~(12) A paystub dated within the past three months;~~

27 ~~(13) A vehicle registration card for the current year;~~

28 ~~(14) Educational records from the current or previous year; or~~

29 ~~(15) A letter stating the name of the individual, asserting the individual's identity~~
30 ~~and confirming the individual is homeless or a former foster youth, by any of~~
31 ~~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.~~

16 **SECTION 1. SHELTER CARE PROGRAMS FOR RUNAWAYS - LEGISLATIVE**

17 **MANAGEMENT STUDY.** During the 2021-22 interim, the legislative management shall consider
18 studying, in collaboration with the commission on juvenile justice, the necessity of licensing
19 shelter care programs for runaway, homeless, and former foster care youth and the ability of
20 these youth to access temporary shelter. The study must include a review of the current
21 barriers, effective intervention, and necessary resources and services. The legislative
22 management shall report its findings, together with any legislation required to implement the
23 recommendations, to the sixty-eighth legislative assembly.