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State of Minnesota

Printed Page No. 355

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3366

- 03/05/2018 Authored by Zerwas, Becker-Finn, Kunes-Podein and Lueck
- The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 03/28/2018 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices Policy
- 04/09/2018 Adoption of Report: Placed on the General Register
- Read for the Second Time
- 05/07/2018 Referred to the Chief Clerk for Comparison with S. F. No. 3019
- 05/08/2018 Postponed Indefinitely

1.1 A bill for an act

1.2 relating to health; making changes to tribal vital record keeping; amending

1.3 Minnesota Statutes 2016, section 144.225, subdivisions 2, 2a, 7.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 144.225, subdivision 2, is amended to read:

1.6 Subd. 2. **Data about births.** (a) Except as otherwise provided in this subdivision, data

1.7 pertaining to the birth of a child to a woman who was not married to the child's father when

1.8 the child was conceived nor when the child was born, including the original record of birth

1.9 and the certified vital record, are confidential data. At the time of the birth of a child to a

1.10 woman who was not married to the child's father when the child was conceived nor when

1.11 the child was born, the mother may designate demographic data pertaining to the birth as

1.12 public. Notwithstanding the designation of the data as confidential, it may be disclosed:

1.13 (1) to a parent or guardian of the child;

1.14 (2) to the child when the child is 16 years of age or older;

1.15 (3) under paragraph (b) or (e); or

1.16 (4) pursuant to a court order. For purposes of this section, a subpoena does not constitute

1.17 a court order.

1.18 (b) Unless the child is adopted, data pertaining to the birth of a child that are not accessible

1.19 to the public become public data if 100 years have elapsed since the birth of the child who

1.20 is the subject of the data, or as provided under section 13.10, whichever occurs first.

2.1 (c) If a child is adopted, data pertaining to the child's birth are governed by the provisions  
2.2 relating to adoption records, including sections 13.10, subdivision 5; 144.218, subdivision  
2.3 1; 144.2252; and 259.89.

2.4 (d) The name and address of a mother under paragraph (a) and the child's date of birth  
2.5 may be disclosed to the county social services, tribal health department, or public health  
2.6 member of a family services collaborative for purposes of providing services under section  
2.7 124D.23.

2.8 (e) The commissioner of human services shall have access to birth records for:

2.9 (1) the purposes of administering medical assistance and the MinnesotaCare program;

2.10 (2) child support enforcement purposes; and

2.11 (3) other public health purposes as determined by the commissioner of health.

2.12 (f) Tribal child support programs shall have access to birth records for child support  
2.13 enforcement purposes.

2.14 Sec. 2. Minnesota Statutes 2016, section 144.225, subdivision 2a, is amended to read:

2.15 Subd. 2a. **Health data associated with birth registration.** Information from which an  
2.16 identification of risk for disease, disability, or developmental delay in a mother or child can  
2.17 be made, that is collected in conjunction with birth registration or fetal death reporting, is  
2.18 private data as defined in section 13.02, subdivision 12. The commissioner may disclose to  
2.19 a tribal health department or community health board, as defined in section 145A.02,  
2.20 subdivision 5, health data associated with birth registration which identifies a mother or  
2.21 child at high risk for serious disease, disability, or developmental delay in order to assure  
2.22 access to appropriate health, social, or educational services. Notwithstanding the designation  
2.23 of the private data, the commissioner of human services shall have access to health data  
2.24 associated with birth registration for:

2.25 (1) purposes of administering medical assistance and the MinnesotaCare program; and

2.26 (2) for other public health purposes as determined by the commissioner of health.

2.27 Sec. 3. Minnesota Statutes 2016, section 144.225, subdivision 7, is amended to read:

2.28 Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office  
2.29 shall issue a certified birth or death record or a statement of no vital record found to an  
2.30 individual upon the individual's proper completion of an attestation provided by the  
2.31 commissioner and payment of the required fee:

- 3.1 (1) to a person who has a tangible interest in the requested vital record. A person who  
3.2 has a tangible interest is:
- 3.3 (i) the subject of the vital record;
- 3.4 (ii) a child of the subject;
- 3.5 (iii) the spouse of the subject;
- 3.6 (iv) a parent of the subject;
- 3.7 (v) the grandparent or grandchild of the subject;
- 3.8 (vi) if the requested record is a death record, a sibling of the subject;
- 3.9 (vii) the party responsible for filing the vital record;
- 3.10 (viii) the legal custodian, guardian or conservator, or health care agent of the subject;
- 3.11 (ix) a personal representative, by sworn affidavit of the fact that the certified copy is  
3.12 required for administration of the estate;
- 3.13 (x) a successor of the subject, as defined in section 524.1-201, if the subject is deceased,  
3.14 by sworn affidavit of the fact that the certified copy is required for administration of the  
3.15 estate;
- 3.16 (xi) if the requested record is a death record, a trustee of a trust by sworn affidavit of  
3.17 the fact that the certified copy is needed for the proper administration of the trust;
- 3.18 (xii) a person or entity who demonstrates that a certified vital record is necessary for the  
3.19 determination or protection of a personal or property right, pursuant to rules adopted by the  
3.20 commissioner; or
- 3.21 (xiii) an adoption agency in order to complete confidential postadoption searches as  
3.22 required by section 259.83;
- 3.23 (2) to any local, state, tribal, or federal governmental agency upon request if the certified  
3.24 vital record is necessary for the governmental agency to perform its authorized duties;
- 3.25 (3) to an attorney upon evidence of the attorney's license;
- 3.26 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes  
3.27 of this section, a subpoena does not constitute a court order; or
- 3.28 (5) to a representative authorized by a person under clauses (1) to (4).
- 3.29 (b) The state registrar or local issuance office shall also issue a certified death record to  
3.30 an individual described in paragraph (a), clause (1), items (ii) to (viii), if, on behalf of the

4.1 individual, a licensed mortician furnishes the registrar with a properly completed attestation  
4.2 in the form provided by the commissioner within 180 days of the time of death of the subject  
4.3 of the death record. This paragraph is not subject to the requirements specified in Minnesota  
4.4 Rules, part 4601.2600, subpart 5, item B.