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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4316

03/09/2020 Authored by Fischer and Richardson
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to homeless youth; establishing procedures for issuance of birth records
1.3 and Minnesota identification cards to homeless youth; classifying certain data;
1.4 appropriating money; amending Minnesota Statutes 2018, sections 144.212, by
1.5 adding a subdivision; 144.226, by adding a subdivision; 171.07, by adding a
1.6 subdivision; Minnesota Statutes 2019 Supplement, section 144.225, subdivisions
1.7 2, 7; proposing coding for new law in Minnesota Statutes, chapter 144.

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

1.9 Section 1. Minnesota Statutes 2018, section 144.212, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 12. Homeless youth. "Homeless youth" has the meaning given in section 256K.45,
1.12 subdivision 1a.

1.13 Sec. 2. Minnesota Statutes 2019 Supplement, section 144.225, subdivision 2, is amended
1.14 to read:

1.15 Subd. 2. Data about births. (a) Except as otherwise provided in this subdivision, data
1.16 pertaining to the birth of a child to a woman who was not married to the child's father when
1.17 the child was conceived nor when the child was born, including the original record of birth
1.18 and the certified vital record, are confidential data. At the time of the birth of a child to a
1.19 woman who was not married to the child's father when the child was conceived nor when
1.20 the child was born, the mother may designate demographic data pertaining to the birth as
1.21 public. Notwithstanding the designation of the data as confidential, it may be disclosed:

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

2.1 (2) to the child when the child is 16 years of age or older, except as provided in clause  
 2.2 (3);

2.3 (3) to the child if the child is a homeless youth;

2.4 ~~(3)~~ (4) under paragraph (b), (e), or (f); or

2.5 ~~(4)~~ (5) pursuant to a court order. For purposes of this section, a subpoena does not  
 2.6 constitute a court order.

2.7 (b) Unless the child is adopted, data pertaining to the birth of a child that are not accessible  
 2.8 to the public become public data if 100 years have elapsed since the birth of the child who  
 2.9 is the subject of the data, or as provided under section 13.10, whichever occurs first.

2.10 (c) If a child is adopted, data pertaining to the child's birth are governed by the provisions  
 2.11 relating to adoption records, including sections 13.10, subdivision 5; 144.218, subdivision  
 2.12 1; 144.2252; and 259.89.

2.13 (d) The name and address of a mother under paragraph (a) and the child's date of birth  
 2.14 may be disclosed to the county social services, tribal health department, or public health  
 2.15 member of a family services collaborative for purposes of providing services under section  
 2.16 124D.23.

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

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

2.19 (2) child support enforcement purposes; and

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

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

2.23 Sec. 3. Minnesota Statutes 2019 Supplement, section 144.225, subdivision 7, is amended  
 2.24 to read:

2.25 Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office  
 2.26 shall issue a certified birth or death record or a statement of no vital record found to an  
 2.27 individual upon the individual's proper completion of an attestation provided by the  
 2.28 commissioner and, except as provided in section 144.2255, payment of the required fee:

2.29 (1) to a person who has a tangible interest in the requested vital record. A person who  
 2.30 has a tangible interest is:

2.31 (i) the subject of the vital record;

- 3.1 (ii) a child of the subject;
- 3.2 (iii) the spouse of the subject;
- 3.3 (iv) a parent of the subject;
- 3.4 (v) the grandparent or grandchild of the subject;
- 3.5 (vi) if the requested record is a death record, a sibling of the subject;
- 3.6 (vii) the party responsible for filing the vital record;
- 3.7 (viii) the legal custodian, guardian or conservator, or health care agent of the subject;
- 3.8 (ix) a personal representative, by sworn affidavit of the fact that the certified copy is  
3.9 required for administration of the estate;
- 3.10 (x) a successor of the subject, as defined in section 524.1-201, if the subject is deceased,  
3.11 by sworn affidavit of the fact that the certified copy is required for administration of the  
3.12 estate;
- 3.13 (xi) if the requested record is a death record, a trustee of a trust by sworn affidavit of  
3.14 the fact that the certified copy is needed for the proper administration of the trust;
- 3.15 (xii) a person or entity who demonstrates that a certified vital record is necessary for the  
3.16 determination or protection of a personal or property right, pursuant to rules adopted by the  
3.17 commissioner; or
- 3.18 (xiii) an adoption agency in order to complete confidential postadoption searches as  
3.19 required by section 259.83;
- 3.20 (2) to any local, state, tribal, or federal governmental agency upon request if the certified  
3.21 vital record is necessary for the governmental agency to perform its authorized duties;
- 3.22 (3) to an attorney upon evidence of the attorney's license;
- 3.23 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes  
3.24 of this section, a subpoena does not constitute a court order; or
- 3.25 (5) to a representative authorized by a person under clauses (1) to (4).
- 3.26 (b) The state registrar or local issuance office shall also issue a certified death record to  
3.27 an individual described in paragraph (a), clause (1), items (ii) to (viii), if, on behalf of the  
3.28 individual, a licensed mortician furnishes the registrar with a properly completed attestation  
3.29 in the form provided by the commissioner within 180 days of the time of death of the subject  
3.30 of the death record. This paragraph is not subject to the requirements specified in Minnesota  
3.31 Rules, part 4601.2600, subpart 5, item B.

4.1 Sec. 4. [144.2255] CERTIFIED BIRTH RECORD FOR HOMELESS YOUTH.

4.2 Subdivision 1. Application; certified birth record. A subject of a birth record who is  
4.3 a homeless youth in Minnesota or another state may apply to the state registrar or a local  
4.4 issuance office for a certified birth record according to this section. The state registrar or  
4.5 local issuance office shall issue a certified birth record or statement of no vital record found  
4.6 to a subject of a birth record who submits:

4.7 (1) a completed application signed by the subject of the birth record;

4.8 (2) a statement that the subject of the birth record is a homeless youth, signed by the  
4.9 subject of the birth record; and

4.10 (3) one of the following:

4.11 (i) a document of identity listed in Minnesota Rules, part 4601.2600, subpart 8 or, at the  
4.12 discretion of the state registrar or local issuance office, subpart 9;

4.13 (ii) a statement that complies with Minnesota Rules, part 4601.2600, subparts 6 and 7;  
4.14 or

4.15 (iii) a statement verifying that the subject of the birth record is a homeless youth that  
4.16 complies with the requirements in subdivision 2 and is from an employee of a human services  
4.17 agency that receives public funding to provide services to homeless youth, runaway youth,  
4.18 youth with mental illness, or youth with substance use disorders; a school staff person who  
4.19 provides services to homeless youth; or a school social worker.

4.20 Subd. 2. Statement verifying subject is a homeless youth. A statement verifying that  
4.21 a subject of a birth record is a homeless youth must include:

4.22 (1) the following information regarding the individual providing the statement: first  
4.23 name, middle name, if any, and last name; home or business address; telephone number, if  
4.24 any; and e-mail address, if any;

4.25 (2) the first name, middle name, if any, and last name of the subject of the birth record;  
4.26 and

4.27 (3) a statement specifying the relationship of the individual providing the statement to  
4.28 the subject of the birth record and verifying that the subject of the birth record is a homeless  
4.29 youth.

4.30 The individual providing the statement must also provide a copy of the individual's  
4.31 employment identification.

5.1 Subd. 3. **Expiration; reissuance.** If a subject of a birth record obtains a certified birth  
5.2 record under this section using the statement specified in subdivision 1, clause (3), item  
5.3 (iii), the certified birth record issued shall expire six months after the date of issuance. Upon  
5.4 expiration of the certified birth record, the subject of the birth record may surrender the  
5.5 expired birth record to the state registrar or a local issuance office and obtain another birth  
5.6 record. Each certified birth record obtained under this subdivision shall expire six months  
5.7 after the date of issuance. If the subject of the birth record does not surrender the expired  
5.8 birth record, the subject may apply for a certified birth record using the process in subdivision  
5.9 1.

5.10 Subd. 4. **Fees waived.** The state registrar or local issuance office shall not charge any  
5.11 fee for issuance of a certified birth record or statement of no vital record found under this  
5.12 section.

5.13 Subd. 5. **Data practices.** Data listed under subdivision 1, clauses (2) and (3), item (iii),  
5.14 are private data on individuals.

5.15 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
5.16 applications for and the issuance of certified birth records on or after January 1, 2021.

5.17 Sec. 5. Minnesota Statutes 2018, section 144.226, is amended by adding a subdivision to  
5.18 read:

5.19 Subd. 7. **Birth record fees waived for homeless youth.** A subject of a birth record who  
5.20 is a homeless youth shall not be charged any of the fees specified in subdivisions 1 and 3  
5.21 to 6 for a certified birth record or statement of no vital record found under section 144.2255.

5.22 Sec. 6. Minnesota Statutes 2018, section 171.07, is amended by adding a subdivision to  
5.23 read:

5.24 Subd. 3b. **Identification card for homeless youth.** (a) A homeless youth, as defined in  
5.25 section 256K.45, subdivision 1a, who meets the requirements of this subdivision may obtain  
5.26 a noncompliant identification card, notwithstanding section 171.06, subdivision 3.

5.27 (b) An applicant under this subdivision must:

5.28 (1) provide the applicant's full name, date of birth, and sex;

5.29 (2) provide the applicant's height in feet and inches, weight in pounds, and eye color;

6.1 (3) submit a certified copy of a birth certificate issued by a government bureau of vital  
 6.2 statistics or equivalent agency in the applicant's state of birth, which must bear the raised  
 6.3 or authorized seal of the issuing government entity; and

6.4 (4) submit a statement verifying that the applicant is a homeless youth who resides in  
 6.5 Minnesota that is signed by:

6.6 (i) an employee of a human services agency receiving public funding to provide services  
 6.7 to homeless youth, runaway youth, youth with mental illness, or youth with substance use  
 6.8 disorders; or

6.9 (ii) staff at a school who provide services to homeless youth or a school social worker.

6.10 (c) For a noncompliant identification card under this subdivision:

6.11 (1) the commissioner must not impose a fee, surcharge, or filing fee under section 171.06,  
 6.12 subdivision 2; and

6.13 (2) a driver's license agent must not impose a filing fee under section 171.061, subdivision  
 6.14 4.

6.15 (d) Minnesota Rules, parts 7410.0400 and 7410.0410, or successor rules, do not apply  
 6.16 for an identification card under this subdivision.

6.17 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
 6.18 application and issuance of Minnesota identification cards on and after January 1, 2021.

6.19 Sec. 7. **APPROPRIATIONS.**

6.20 (a) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner  
 6.21 of health for administration and issuance of certified birth records and statements of no vital  
 6.22 record found to homeless youth under Minnesota Statutes, section 144.2255.

6.23 (b) \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner  
 6.24 of public safety for administration and issuance of identification cards for homeless youth  
 6.25 under Minnesota Statutes, section 171.07, subdivision 3b. Notwithstanding Minnesota  
 6.26 Statutes, section 16A.28, this appropriation is available until June 30, 2023. This is a onetime  
 6.27 appropriation.