

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 484*

Children & Human Resources Committee Substitute Adopted 4/29/97

Short Title: Vital Records Access/AB.

(Public)

Sponsors:

Referred to: Finance.

March 25, 1997

A BILL TO BE ENTITLED
AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS
TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF
AUTHORIZED FEES FOR VITAL RECORDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-93 reads as rewritten:

"§ 130A-93. Access to vital records; copies.

(a) Only the State Registrar shall have access to original vital records and to indices to the original vital records. County offices authorized to issue certificates and the North Carolina State Archives also shall have access to indices to these original vital records, when specifically authorized by the State Registrar.

(b) Individual-specific birth records, in any form and on any medium, in the possession of the Department, local health departments, or local register of deeds offices shall not be public records pursuant to Chapter 132 of the General Statutes. Access to and copies of vital records and abstracts of vital records shall be provided in accordance with Chapter 130A-99 and Chapter 161 of the General Statutes and with this section. Birth data other than the names of children and parents, the addresses of parents, and social security numbers of parents shall be available in accordance with Chapter 132 of the General Statutes. All such records and data shall be State property and shall be

1 managed only in accordance with official disposition instructions prepared by the
2 Department of Cultural Resources. The application of this Chapter is subject to the
3 provisions of Article 1 of Chapter 121 of the General Statutes, the North Carolina
4 Archives and History Act. The State Registrar and other officials authorized to issue
5 certified copies of vital records shall provide copies or abstracts of vital records, except
6 those described in subsections (d), (e), (f) and ~~(g)~~, (g) of this section, to any person upon
7 request.

8 (c) The State Registrar and other officials authorized to issue certified copies of
9 vital records shall provide certified copies of vital records, except those described in
10 subsections (d), (e), (f), and ~~(g)~~, (g) of this section, only to the following:

11 (1) A person requesting a copy of the person's own vital records or that of
12 the person's spouse, ~~child, parent, brother or sister~~, sibling, direct ancestor
13 or descendant, or stepparent or stepchild;

14 (2) A person seeking information for a legal determination of personal or
15 property rights; or

16 (3) An authorized agent, attorney or legal representative of a person
17 described above.

18 (c1) A funeral director or funeral service licensee shall be entitled upon request to a
19 certified copy of a death certificate.

20 (d) Copies, certified copies or abstracts of birth certificates of adopted persons
21 shall be provided in accordance with G.S. 48-9-107.

22 (e) Copies or abstracts of the health and medical information contained on birth
23 certificates shall be provided only to a person requesting a copy of the health and medical
24 information contained on the person's own birth certificate, a person authorized by that
25 person, or a person who will use the information for medical research purposes. Copies
26 of or abstracts from any computer or microform database which contains individual-
27 specific health or medical birth data, whether the database is maintained by the
28 Department, a local health department, or any other public official, shall be provided only
29 to an individual requesting his or her own data, a person authorized by that individual, or
30 a person who will use the information for medical research purposes. The State Registrar
31 shall adopt rules providing for the use of this information for medical research purposes.
32 The rules shall, at a minimum, require a written description of the proposed use of the
33 data, including protocols for protecting confidentiality of the data.

34 (f) Copies, certified copies or abstracts of new birth certificates issued to persons
35 in the federal witness protection program shall be provided only to a person requesting a
36 copy of the person's own birth certificate and that person's supervising federal marshal.

37 (g) No copies, certified copies or abstracts of vital records shall be provided to a
38 person purporting to request copies, certified copies or abstracts of that person's own vital
39 records upon determination that the person whose vital records are being requested is
40 deceased.

41 (h) A certified copy issued under the provisions of this section shall have the same
42 evidentiary value as the original and shall be prima facie evidence of the facts stated in
43 the document. The State Registrar may appoint agents who shall have the authority to

1 issue certified copies under a facsimile signature of the State Registrar. These copies
2 shall have the same evidentiary value as those issued by the State Registrar.

3 (i) Fees for issuing any copy of a vital record or for conducting a search of the
4 files when no copy is made shall be as established in G.S. ~~130A-93.1~~ 130A-93.1 and G.S.
5 161-10.

6 (j) No person shall prepare or issue any certificate which purports to be an official
7 certified copy of a vital record except as authorized in this Article or the rules."

8 Section 2. G.S. 130A-93.1 reads as rewritten:

9 "**§ 130A-93.1. Fees for vital records copies or search; automation fund.**

10 (a) The State Registrar shall collect, process, and utilize fees for services as
11 follows:

12 (1) A fee not to exceed ten dollars (\$10.00) shall be charged for issuing any
13 copy of a vital record or for conducting a routine search of the files for
14 the record when no copy is made. When certificates are issued or
15 searches conducted by local agencies using databases maintained by the
16 State Registrar, the local agency shall charge this fee and shall forward
17 five dollars (\$5.00) of this fee to the State Registrar for purposes
18 established in subsection (b) of this section.

19 (2) A fee not to exceed ten dollars (\$10.00) shall be charged in addition to
20 the fee charged under subdivision (1) of this subsection and to all
21 shipping and commercial charges when expedited service is specifically
22 requested.

23 (2a) The fee for a copy of a computer or microform database shall not
24 exceed the cost to the agency of making and providing the copy.

25 (3) Except as provided in subsection ~~(b)~~ (b) of this section, fees collected
26 under this subsection shall be used by the Department for public health
27 purposes.

28 (b) The Vital Records Automation Account is established as a nonreverting
29 account within the Department. Five dollars (\$5.00) of each fee collected pursuant to
30 subdivision (a)(1) shall be credited to this Account. The Department shall use the
31 revenue in the Account to fully automate and maintain the vital records system. When
32 funds sufficient to fully automate and maintain the system have accumulated in the
33 Account, fees shall no longer be credited to the Account but shall be used as specified in
34 subdivision ~~(a)(3)~~ (a)(3) of this section."

35 Section 3. This act is effective when it becomes law.