
SUBSTITUTE SENATE BILL 5403

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Delvin, Parlette, Swecker, Stevens, Honeyford, Benson and Mulliken)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to limiting the disclosure of birth certificates;
2 and amending RCW 70.58.005 and 70.58.082.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.58.005 and 1991 c 3 s 342 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Department" means the department of health.

9 (2) "Registrant" means the person named on the vital record whom
10 the recorded event primarily concerns.

11 (3) "Vital records" means records of birth, death, fetal death,
12 marriage, dissolution, annulment, and legal separation, as maintained
13 under the supervision of the state registrar of vital statistics.

14 **Sec. 2.** RCW 70.58.082 and 1997 c 108 s 1 are each amended to read
15 as follows:

16 No person may prepare or issue any birth certificate that purports
17 to be an original, certified copy, or copy of a birth certificate
18 except as authorized in this chapter.

1 (1) The department shall adopt rules providing for the release of
2 paper or electronic copies of birth certificate records (~~(that)~~).
3 Except for birth certificates provided under subsection (4) of this
4 section, the rules shall include adequate means for determining the
5 proper identity of the person making the request for the release of the
6 record by requiring the presentation of either a valid photo
7 identification issued to the person by any federal, state, or local
8 government or two forms of nonphotographic identification issued to the
9 person both of which must include the person's signature, adequate
10 standards for maintaining the security and confidentiality(~~(, assure))~~
11 of the records, adequate assurances that the proper record is
12 identified, and (~~(prevent fraudulent use of records)) adequate~~
13 safeguards for preventing the fraudulent use of the record by requiring
14 an applicant to state his or her purpose for requesting the record and
15 his or her relationship to the registrant. All certified copies of
16 birth certificates in the state must be on paper and in a format
17 provided and approved by the department and must include security
18 features to deter the alteration, counterfeiting, duplication, or
19 simulation without ready detection.

20 (2) Except for birth certificates provided under subsection (4) of
21 this section, the rules shall limit the release of paper or electronic
22 copies of birth certificate records to: (a) The registrant or a parent
23 or legal guardian of the registrant; (b) the registrant's spouse, adult
24 sibling, grandparent, or adult descendant; (c) an authorized
25 representative of an individual named in (a) or (b) of this subsection.
26 A representative may prove authorization by producing a letter of
27 permission with a notarized signature of an individual named in (a) or
28 (b) of this subsection; (d) an attorney representing the registrant;
29 (e) a member of a law enforcement agency who is conducting official
30 business; and (f) any person or agency empowered by statute or
31 appointed by a court to act on the registrant's behalf.

32 (3) Upon the registrant's death, birth certificate records in the
33 custody of the department become public records and any person may
34 obtain copies of such records, upon submission of the appropriate fee,
35 an application containing sufficient information to locate the record,
36 and proof of the registrant's death. The copies shall prominently
37 display the marking "DECEASED."

1 (4) Federal, state, and local governmental agencies may, upon
2 request and with submission of the appropriate fee, be furnished copies
3 of birth certificates if the birth certificate will be used for the
4 agencies' official duties. The department may enter into agreements
5 with offices of vital statistics outside the state for the transmission
6 of copies of birth certificates to those offices when the birth
7 certificates relate to residents of those jurisdictions and receipt of
8 copies of birth certificates from those offices. The agreement must
9 specify the statistical and administrative purposes for which the birth
10 certificates may be used and must provide instructions for the proper
11 retention and disposition of the copies. Copies of birth certificates
12 that are received by the department from other offices of vital
13 statistics outside the state must be handled as provided under the
14 agreements.

15 The department may disclose information that may identify any
16 person named in any birth certificate record for research purposes as
17 provided under chapter 42.48 RCW.

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