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HOUSE BILL 1157

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State of Washington

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By Representative Steele

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1 AN ACT Relating to authorizing access to certifications of birth  
2 and death to additional family members; and amending RCW 70.58A.530.

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

4 **Sec. 1.** RCW 70.58A.530 and 2021 c 55 s 2 are each amended to  
5 read as follows:

6 (1)(a) A certification issued in accordance with this section is  
7 considered for all purposes the same as the original vital record and  
8 is prima facie evidence of the facts stated therein.

9 (b) An informational copy is not considered the same as the  
10 original vital record and does not serve as prima facie evidence of  
11 the facts stated therein.

12 (2) The state and local registrar shall issue all certifications  
13 registered in the vital records system from the state's central vital  
14 records system database upon submission by a qualified applicant of  
15 all required information and documentation required either by this  
16 chapter or by rule, or both, and shall ensure that all certifications  
17 include:

18 (a) The date of registration; and

19 (b) Security features that deter altering, counterfeiting, or  
20 simulation without ready detection as required under this chapter.

1 (3) A person requesting a certification of birth, death, fetal  
2 death, or birth resulting in stillbirth must submit an application,  
3 identity documentation, evidence of eligibility, and the applicable  
4 fee established in RCW 70.58A.560 to the state or local registrar.

5 (4) For a certification of birth, the state or local registrar  
6 may release the certification only to:

7 (a) The subject of the record or the subject of the record's  
8 spouse or domestic partner, child, parent, stepparent, stepchild,  
9 sibling, grandparent, great grandparent, grandchild, great  
10 grandchild, legal guardian, legal representative, or authorized  
11 representative; or

12 (b) A government agency or court, if the certification will be  
13 used in the conduct of the agency's or court's official duties.

14 (5) The state registrar may issue an heirloom certification of  
15 birth to a qualified applicant consistent with subsection (4) of this  
16 section. The heirloom certification of birth must contain the state  
17 seal and be signed by the governor.

18 (6) The state registrar may issue a certification of a birth  
19 record registered as delayed under RCW 70.58A.120 or 70.58A.130 to a  
20 qualified applicant consistent with subsection (4) of this section.  
21 The certification must:

22 (a) Be marked as delayed; and

23 (b) Include a description of the evidence or court order number  
24 used to establish the delayed record.

25 (7) The state registrar may issue a certification of a birth  
26 record for a person adopted under chapter 26.33 RCW and registered  
27 under RCW 70.58A.400 to a qualified applicant consistent with  
28 subsection (4) of this section. The certification:

29 (a) Must not include reference to the adoption of the child; and

30 (b) For children born outside of the state, must be issued  
31 consistent with the certification standards of this section, unless  
32 the court orders otherwise.

33 (8) When providing a birth certification to a qualified applicant  
34 under this chapter, the state or local registrar shall include  
35 information prepared by the department setting forth the advisability  
36 of a security freeze under RCW 19.182.230 and the process for  
37 acquiring a security freeze.

38 (9) For a certification of death, the state or local registrar  
39 may release the certification only to:

1 (a) The decedent's spouse or domestic partner, child, parent,  
2 stepparent, stepchild, sibling, grandparent, great grandparent,  
3 grandchild, great grandchild, legal guardian immediately prior to  
4 death, legal representative, authorized representative, or next of  
5 kin as specified in RCW 11.28.120;

6 (b) A funeral director, the funeral establishment licensed  
7 pursuant to chapter 18.39 RCW, or the person having the right to  
8 control the disposition of the human remains under RCW 68.50.160  
9 named on the death record, within twelve months of the date of death;  
10 or

11 (c) A government agency or court, if the certification will be  
12 used in the conduct of the agency's or court's official duties.

13 (10) The state or local registrar may issue a short form  
14 certification of death that does not display information relating to  
15 cause and manner of death to a qualified applicant. In addition to  
16 the qualified applicants listed in subsection (9) of this section, a  
17 qualified applicant for a short form certification of death includes:

18 (a) A title insurer or title insurance agent handling a  
19 transaction involving real property in which the decedent held some  
20 right, title, or interest; or

21 (b) A person that demonstrates that the certified copy is  
22 necessary for a determination related to the death or the protection  
23 of a personal or property right related to the death.

24 (11) The state or local registrar may issue reports of fetal  
25 death either as a certification of a fetal death or as a  
26 certification of birth resulting in a stillbirth, or both.

27 (12) When issuing a certification of fetal death, the state or  
28 local registrar may release the certification only to:

29 (a) A parent, a parent's legal representative, an authorized  
30 representative, a sibling, or a grandparent;

31 (b) The funeral director or funeral establishment licensed  
32 pursuant to chapter 18.39 RCW and named on the fetal death record,  
33 within twelve months of the date of fetal death; or

34 (c) A government agency or court, if the certification will be  
35 used in the conduct of the agency's or court's official duties.

36 (13) When issuing a certification of birth resulting in  
37 stillbirth, the state or local registrar may release the  
38 certification only to the individual who gave birth listed on the  
39 fetal death record.

1 (a) A certification of birth resulting in stillbirth must comply  
2 with the format requirements prescribed by the state registrar and be  
3 in a format similar to a certification of birth.

4 (b) The certification of birth resulting in stillbirth must  
5 contain a title at the top of the certification that reads: "This  
6 certificate of birth resulting in stillbirth is not proof of a live  
7 birth and is not an identity document."

8 (c) Nothing in this subsection (13):

9 (i) May be the basis for a civil cause of action seeking damages  
10 or criminal charges against any person or entity for bodily injury,  
11 personal injury, or wrongful death for a stillbirth;

12 (ii) Shall alter a woman's rights to reproductive freedom or  
13 equal protection under the law, or to alter or supersede any other  
14 provision of law; and

15 (iii) Except for the right to request a certification of birth  
16 resulting in stillbirth, may constitute the basis of any new right,  
17 privilege, or entitlement, or abrogate any existing right, privilege,  
18 or entitlement.

19 (14) The state or local registrar shall review the identity  
20 documentation and evidence of eligibility to determine if the person  
21 requesting the certification is a qualified applicant under this  
22 section. The state or local registrar may verify the identity  
23 documents and evidence of eligibility to determine the acceptability  
24 and authenticity of identity documentation and evidence of  
25 eligibility.

26 (15) The state or local registrar may not issue a certification  
27 of birth or fetal death, including a certification of birth resulting  
28 in stillbirth, that includes information from the confidential  
29 section of record, except as provided in subsection (16) of this  
30 section.

31 (16) The state registrar may release information contained in the  
32 confidential section of the birth record only to the following  
33 persons:

34 (a) The individual who is the subject of the birth record, upon  
35 confirmation of documentation and evidence of identity of the  
36 requestor in a manner approved by the state board of health and the  
37 department. The state registrar must limit the confidential  
38 information provided to the individual who is the subject of the  
39 birth record's information, and may not include the parent's  
40 confidential information; or

1 (b) A member of the public, upon order of a court of competent  
2 jurisdiction.

3 (17) A person requesting a certification of marriage, dissolution  
4 of marriage, or dissolution of domestic partnership currently held by  
5 the department must submit an application and the applicable fee  
6 established in RCW 70.58A.560 to the state registrar.

7 (18) The state registrar may mark deceased on a birth  
8 certification when that birth record is matched to a death record  
9 under RCW 70.58A.060.

10 (19) The state or local registrar must issue an informational  
11 copy from the central vital records system to anyone. Informational  
12 copies must contain only the information allowed by rule.  
13 Informational copies of death records must not display information  
14 related to cause and manner of death.

15 (20) A person requesting an informational copy must submit an  
16 application and the applicable fee established in RCW 70.58A.560 to  
17 the state or local registrar.

18 (21) If no record is identified as matching the information  
19 provided in the application, the state or local registrar shall issue  
20 a document indicating that a search of the vital records system was  
21 made and no matching record was identified.

22 (22) All government agencies or courts to whom certifications or  
23 informational copies are issued must pay the applicable fee for  
24 certifications established in RCW 70.58A.560.

25 (23) The state or local registrar must comply with the  
26 requirements of this chapter when issuing a certification or  
27 informational copy of a vital life event.

28 (24) The department may issue, through electronic means and  
29 processes determined by the department, verifications of information  
30 contained on birth or death records filed with the department when a  
31 verification is requested by a government agency, insurance company,  
32 hospital, or any other organization in the conduct of its official  
33 duties for fraud prevention and good governance purposes as  
34 determined by the department. The department shall charge a fee for a  
35 search under this subsection.

36 (25) For the purposes of this section:

37 (a) "Qualified applicant" means a person who is eligible to  
38 receive a certification of a vital record based on the standards  
39 established by this chapter and department rule.

1 (b) "Stillbirth" means the same as fetal death as defined in RCW  
2 70.58A.010.

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