

By: Brown of Kaufman, Flynn, Zedler

H.B. No. 1117

A BILL TO BE ENTITLED

AN ACT

relating to the filing of birth certificates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 192.003, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (f) and (g) to read as follows:

(a) The physician or other health care practitioner [~~midwife, or person acting as a midwife~~] in attendance at a birth shall certify and have filed [~~file~~] the birth certificate with the local registrar of the registration district in which the birth occurs.

(b) If a birth occurs in a hospital or birthing center, the hospital administrator, the birthing center administrator, or a designee of the appropriate administrator may file the birth certificate certified by the physician or other health care practitioner under [~~in lieu of a person listed by~~] Subsection (a).

(c) If a physician or other health care practitioner is not [~~there is no physician, midwife, or person acting as a midwife~~] in attendance at a birth, a person in attendance at the birth shall file the birth certificate. The local registrar of a registration district may not accept a birth certificate filed under this subsection unless the person filing the certificate presents to the registrar:

(1) the sworn affidavit of a person in attendance at

1 the birth stating that the child was born in this state; and

2 (2) the sworn affidavit of a physician, physician  
3 assistant, advanced practice nurse, or midwife attesting to the  
4 approximate age of the child [~~and if the birth does not occur in a~~  
5 ~~hospital or birthing center, the following in the order listed~~  
6 ~~shall report the birth to the local registrar:~~

7 [~~(1) the father or mother of the child; or~~

8 [~~(2) the owner or householder of the premises where~~  
9 ~~the birth occurs~~].

10 (f) The department may prescribe the form and contents of  
11 the affidavits required under Subsection (c).

12 (g) In this subsection, "health care practitioner" means an  
13 individual who holds a license, certificate, registration, title,  
14 permit, or other authorization that authorizes the individual to  
15 engage in a health care profession in this state.

16 SECTION 2. Section 192.003, Health and Safety Code, as  
17 amended by this Act, applies only to a birth certificate filed on or  
18 after September 1, 2007. A birth certificate filed before  
19 September 1, 2007, is governed by the law as it existed immediately  
20 before the effective date of this Act, and that law is continued in  
21 effect for this purpose.

22 SECTION 3. This Act takes effect September 1, 2007.