

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3253
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Birth records are maintained by the Vital Statistics Unit within the Department of State Health Services in both paper and electronic form. Local registrars and county clerks also maintain copies of birth records of individuals born in the district or county, as applicable. Upon the death of an individual younger than 55 years of age, the state registrar and the local registrar or county clerk are required to mark the paper records conspicuously as "deceased." This process is known as a birth-death match.

Including deceased individuals over 55 years of age in the birth-death match process will provide consistency and accuracy to the state's records and further prevent identity theft among this population.

C.S.H.B. 3253 amends current law relating to the notation of death on a birth certificate and the release of birth certificate information for certain purposes.

[**Note:** While the statutory reference in this bill is to the Texas Board of Health (TBH), the following amendments affect the executive commissioner of the Health and Human Services Commission, as the successor agency to TBH.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health is modified in SECTION 2 (Section 192.002, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 191.034, Health and Safety Code, as follows:

Sec. 191.034. NOTATION OF DEATH ON BIRTH CERTIFICATE. (a) Requires the state registrar, on receipt of the death certificate of a person whose birth is registered in this state, to conspicuously note the person's date of death on the person's birth certificate. Deletes existing text requiring the state registrar, on receipt of the death certificate of a person younger than 55 years of age whose birth is registered in this state, to make a conspicuous notation on the decedent's birth certificate that the person is dead.

(b) Requires the state registrar to notify the county clerk of the county in which the person was born and the local registrar of the registration district in which the person was born of the person's death. Deletes existing text requiring the state registrar to provide computer-generated abstracts, transcripts, or copies of the death certificate to the county clerk of the county in which the decedent was born and to the local registrar of the registration district in which the decedent was born. Requires the county clerk or local registrar, on receipt of the notification of death, to conspicuously note the person's date of death on the person's birth certificate. Deletes existing text requiring the county clerk or local registrar, on receipt of the notification of death, to make a conspicuous notation on the decedent's birth certificate that the person is dead.

SECTION 2. Amends Section 192.002(b), Health and Safety Code, to prohibit information under the section of the birth certificate entitled "For Medical and Health Use Only" from being released or made public on subpoena or otherwise, except that release is authorized to be made for statistical purposes only so that no person, patient, or facility is identified, or to medical personnel of a health care entity, as that term is defined in Subtitle B (Physicians), Title 3 (Health Professions), Occupations Code, or to a faculty member at a medical school, as that term is defined in Section 61.501 (Definitions), Education Code, for statistical or medical research, or to appropriate state or federal agencies for statistical research.

SECTION 3. Effective date: upon passage or September 1, 2013.