

By: Harris

H.B. No. 703

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of birth records.

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

SECTION 1. Sections 552.115(a) and (d), Government Code, are amended to read as follows:

(a) A birth or death record maintained by the vital statistics unit of the Department of State Health Services or a local registration official is excepted from the requirements of Section 552.021, except that:

(1) a birth record is public information and available to the public on and after the 125th [~~75th~~] anniversary of the date of birth as shown on the record filed with the vital statistics unit or local registration official;

(2) a death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the vital statistics unit or local registration official, except that if the decedent is unidentified, the death record is public information and available to the public on and after the first anniversary of the date of death;

(3) a general birth index or a general death index established or maintained by the vital statistics unit or a local registration official is public information and available to the public to the extent the index relates to a birth record or death record that is public information and available to the public under

1 Subdivision (1) or (2);

2 (4) a summary birth index or a summary death index
3 prepared or maintained by the vital statistics unit or a local
4 registration official is public information and available to the
5 public; and

6 (5) a birth or death record is available to the chief
7 executive officer of a home-rule municipality or the officer's
8 designee if:

9 (A) the record is used only to identify a
10 property owner or other person to whom the municipality is required
11 to give notice when enforcing a state statute or an ordinance;

12 (B) the municipality has exercised due diligence
13 in the manner described by Section 54.035(e), Local Government
14 Code, to identify the person; and

15 (C) the officer or designee signs a
16 confidentiality agreement that requires that:

17 (i) the information not be disclosed
18 outside the office of the officer or designee, or within the office
19 for a purpose other than the purpose described by Paragraph (A);

20 (ii) the information be labeled as
21 confidential;

22 (iii) the information be kept securely; and

23 (iv) the number of copies made of the
24 information or the notes taken from the information that implicate
25 the confidential nature of the information be controlled, with all
26 copies or notes that are not destroyed or returned remaining
27 confidential and subject to the confidentiality agreement.

1 (d) For the purposes of fulfilling the terms of the
2 agreement in Subsection (c), the Genealogical Society of Utah shall
3 have access to birth records on and after the 50th anniversary of
4 the date of birth as shown on the record filed with the bureau of
5 vital statistics or local registration official, but such birth
6 records shall not be made available to the public until the 125th
7 [~~75th~~] anniversary of the date of birth as shown on the record.

8 SECTION 2. The change in law made by this Act applies to the
9 release of a birth record on or after the effective date of this
10 Act, regardless of whether the birth record was a public record
11 before the effective date of this Act under the law as it existed
12 immediately before the effective date of this Act.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2019.