

BILL ANALYSIS

H.B. 1386
By: Harris
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns about restricted access to an adopted individual's birth certificate in Texas. It has been noted that adopted individuals must petition the court in which their adoption took place in order to receive their original birth certificate instead of receiving the birth certificate on request. H.B. 1386 seeks to expand access to the birth certificates of adoptees by requiring the state registrar of vital statistics on written request to provide to an adopted person or a certain family member of a deceased adopted person a noncertified copy of the adopted person's original birth certificate without obtaining a court order under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 1386 amends the Health and Safety Code to require the state registrar of vital statistics on written request to provide to an adopted person or a certain family member of a deceased adopted person a noncertified copy of the adopted person's original birth certificate without obtaining a court order under the following conditions:

- the adopted person was born in Texas;
- the request is made on or after the adopted person's 18th birthday;
- a supplementary birth certificate was issued for the adopted person; and
- the person requesting the copy provides appropriate proof of the person's identity, in person or by mail.

The state registrar is not required to comply with this requirement until July 1, 2022. The bill requires the state registrar to collect a fee for this service in an amount equal to the fee charged for issuance of a noncertified copy of a birth certificate and to issue the copy within the time prescribed for issuance of other noncertified copies of birth certificates.

H.B. 1386 clarifies that the rules and procedures adopted by the executive commissioner of the Health and Human Services Commission for ensuring that birth records and indexes accessible to the general public do not contain information or cross-references through which the confidentiality of adoption placements may be violated are to be consistent with provisions regarding birth records of an adopted person.

EFFECTIVE DATE

September 1, 2021.