

BILL ANALYSIS

C.S.H.B. 2676
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Technological advancements are increasingly providing parents with more detailed information about their children before birth. This early access to information has shifted social practices for many, empowering parents to select and announce children's names and take other personalized steps to welcome the child into their lives before birth. There is currently a mechanism for certifying fetal death but not one for certifying fetal life once information about the child is known. C.S.H.B. 2676 attempts to address this discrepancy by allowing parents with valid documentation to request a certificate of life prior to birth to be used in the same manner and for the same purposes as a birth certificate.

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 2 of this bill.

ANALYSIS

C.S.H.B. 2676 amends the Health and Safety Code to provide for the optional registration of life and issuance of a life certificate.

C.S.H.B. 2676 authorizes a parent of an unborn child, if the parent resides in Texas and at the parent's discretion, to request a life certificate for the child before the child's birth. The Department of State Health Services (DSHS) must prescribe the form and content of the certificate and specify the information necessary to prepare the certificate. The bill requires that the form include separate spaces for recording the child's name, the date the child's life is acknowledged, and the date the unborn child is born. The parent who requests the certificate may provide a name for the child to be listed on the certificate or, if the parent does not wish to provide a name, the vital statistics unit of DSHS will fill in the certificate with the name "baby boy" or "baby girl" and the parent's last name.

C.S.H.B. 2676 requires a physician or advanced practice registered nurse, on request of the parent, to file the life certificate with the local registrar of the registration district in which the parent resides. The certificate must be accompanied by an affidavit signed by the physician or nurse attesting to the life of the child based on a sonogram or other appropriate physical examination of the mother. The bill requires a local registrar to collect, record, preserve, search for, issue copies of, and assess copy fees for a life certificate in the same manner as provided for birth certificates and in accordance with DSHS rules.

C.S.H.B. 2676 authorizes a parent to request an amendment to the life certificate after the child's birth to add the child's date of birth or add or amend the child's name. The parents of an unborn child may use the certificate in the same manner and for the same purposes provided for birth certificates under law and as provided by DSHS rules. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement the bill's provisions providing for the issuance of life certificates.

C.S.H.B. 2676 repeals Section 192.0022(f), Health and Safety Code, which prohibits DSHS from using a certificate of birth resulting in stillbirth to calculate live birth statistics.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2676 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not in the original specifying that a parent must be a Texas resident to qualify for the life certificate for their unborn child.