

SUBJECT: Providing for the optional registration of life and issuance of a certificate

COMMITTEE: Public Health — committee substitute recommended

VOTE: 6 ayes — Klick, Allison, Jetton, Oliverson, Price, Smith

4 nays — Campos, Coleman, Collier, Zwiener

1 absent — Guerra

WITNESSES: For — John Seago, Texas Right to Life; (*Registered, but did not testify:* Abby Johnson, And Then There Were None; Molly White, Conservative Republicans of Texas; Victoria Avelar, Students for Life Action; Kyleen Wright, Texans for Life Committee; Amy O'Donnell and Joe Pojman, Texas Alliance for Life; Shannon Jaquette, Texas Catholic Conference of Bishops; Cindi Castilla, Texas Eagle Forum; Donald Garner, Texas Faith & Freedom Coalition; Mary Castle and Gregory McCarthy, Texas Values Action; Jason Vaughn, Texas Young Republicans; and 14 individuals)

Against — (*Registered, but did not testify:* Savannah Eldrige, Be Frank 4 Justice; Rhea Shahane and Tatum Zeko, Deeds Not Words; Karen Munoz and Jorge Renaud, LatinoJustice; Diana Gomez, Progress Texas; Kamyon Conner, Texas Equal Access Fund; Carisa Lopez, Texas Freedom Network; and 27 individuals)

On — (*Registered, but did not testify:* Blake Rocap, Avow; Tara Das and Manda Hall, Department of State Health Services)

BACKGROUND: Health and Safety Code sec. 192.001 requires the birth of each child born in the state to be registered.

Interested parties note that advances in medical technology provide parents with more detailed information about a child before the child's birth. While there currently is a mechanism for certifying fetal death, there is no such mechanism for certifying fetal life once information about the child is known.

DIGEST: CSHB 2676 would allow the parent of an unborn child, defined as an offspring of human beings from conception to birth, who resided in this state to request a life certificate for the unborn child before birth.

Life certificate. The Department of State Health Services (DSHS) would be required to prescribe the form and content of the life certificate and would have to specify the information necessary to prepare the certificate. The form would have to include:

- the name of the unborn child;
- the date the unborn child's life was acknowledged; and
- the date the unborn child was born.

The parent who requested the life certificate could provide a name for the unborn child to be listed on the certificate. If the parent did not wish to provide a name, the vital statistics unit would be required to fill in the certificate with the name "baby boy" or "baby girl" and the last name of the parent.

Filing. At the request of an unborn child's parent, a physician or advanced practice nurse would be required to file the life certificate with the local registrar of the registration district in which the parent resided. The life certificate would have to be accompanied by an affidavit signed by the physician or nurse attesting to the life of the unborn child based on a sonogram or other appropriate physician examination of the unborn child's mother.

A parent could request an amendment to the life certificate after the child was born to add the child's date of birth or add or amend the child's name.

A local registrar would be required 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 in accordance with DSHS rules.

Purpose. The parents of an unborn child could use the life certificate of

an unborn child in the same manner and for the same purposes provided for birth certificates under law as provided by DSHS rules.

The bill would require the executive commissioner of DSHS to adopt rules to implement the bill's provisions.

The bill would repeal the statutory provision in the Health and Safety Code, which prohibits DSHS from using a certificate of birth that resulted in stillbirth to calculate live birth statistics.

The bill would take effect September 1, 2021.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of about \$900,000 to general revenue through fiscal 2023.