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SENATE BILL 5403

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State of Washington

59th Legislature

2005 Regular Session

By Senators Delvin, Parlette, Swecker, Stevens, Honeyford, Benson and Mulliken

Read first time 01/24/2005. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to limiting the disclosure of birth certificates;  
2 and amending RCW 70.58.005 and 70.58.082.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.58.005 and 1991 c 3 s 342 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Department" means the department of health.

9 (2) "Registrant" means the person named on the vital record whom  
10 the recorded event primarily concerns.

11 (3) "Vital records" means records of birth, death, fetal death,  
12 marriage, dissolution, annulment, and legal separation, as maintained  
13 under the supervision of the state registrar of vital statistics.

14 **Sec. 2.** RCW 70.58.082 and 1997 c 108 s 1 are each amended to read  
15 as follows:

16 No person may prepare or issue any birth certificate that purports  
17 to be an original, certified copy, or copy of a birth certificate  
18 except as authorized in this chapter.

1       The department shall adopt rules providing for the release of paper  
2 or electronic copies of birth certificate records (~~(that)~~). The rules  
3 shall include adequate means for determining the proper identity of the  
4 person making the request for the release of the record by requiring  
5 the presentation of either a valid photo identification issued to the  
6 person by any federal, state, or local government or two forms of  
7 nonphotographic identification issued to the person both of which must  
8 include the person's signature, adequate standards for maintaining the  
9 security and confidentiality(, —assure)) of the records, adequate  
10 assurances that the proper record is identified, and ((prevent  
11 fraudulent use of records)) adequate safeguards for preventing the  
12 fraudulent use of the record by requiring an applicant to state his or  
13 her purpose for requesting the record and his or her relationship to  
14 the registrant. All certified copies of birth certificates in the  
15 state must be on paper and in a format provided and approved by the  
16 department and must include security features to deter the alteration,  
17 counterfeiting, duplication, or simulation without ready detection.

18       The rules shall limit the release of paper or electronic copies of  
19 birth certificate records to the registrant or a parent or legal  
20 guardian of the registrant; to the registrant's spouse, adult child,  
21 adult sibling, grandparent, or adult grandchild; to an attorney  
22 representing the registrant; to a member of a law enforcement agency  
23 who is conducting official business; and to any person or agency  
24 empowered by statute or appointed by a court to act on the registrant's  
25 behalf.

26       Federal, state, and local governmental agencies may, upon request  
27 and with submission of the appropriate fee, be furnished copies of  
28 birth certificates if the birth certificate will be used for the  
29 agencies' official duties. The department may enter into agreements  
30 with offices of vital statistics outside the state for the transmission  
31 of copies of birth certificates to those offices when the birth  
32 certificates relate to residents of those jurisdictions and receipt of  
33 copies of birth certificates from those offices. The agreement must  
34 specify the statistical and administrative purposes for which the birth  
35 certificates may be used and must provide instructions for the proper  
36 retention and disposition of the copies. Copies of birth certificates  
37 that are received by the department from other offices of vital

1 statistics outside the state must be handled as provided under the  
2 agreements.

3 The department may disclose information that may identify any  
4 person named in any birth certificate record for research purposes as  
5 provided under chapter 42.48 RCW.

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