

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

---

DATE: April 28, 2014

TO: Honorable Members of the Intergovernmental Relations Committee

FROM: Gerry F. Miller *GFM*  
Chief Legislative Analyst

Council File No.: 14-0002-S35  
Assignment No.: 14-03-0217

SUBJECT: Resolution (Koretz – O’Farrell) to SUPPORT AB 1951 (Gomez) to require the California Department of Public Health to modify birth certificates to include a gender-neutral parent option.

CLA RECOMMENDATION: Adopt Resolution (Koretz – O’Farrell) to include in the City’s 2013-2014 State Legislative Program SUPPORT for AB 1951 (Gomez), which would require the California Department of Public Health to modify birth certificates to include a gender-neutral “parent” option in addition to the existing options of “mother” and “father.”

## SUMMARY

The Resolution (Koretz – O’Farrell) states that the 2010 Census indicates that more than 594,000 same-sex couple households reside in California and, of that number, more than 115,000 same-sex couples have children. The Resolution further states that the establishment of marriage equality in California has created a great need to modernize birth certificates to accurately reflect all families in the State.

According to the Resolution, birth certificates are used for identity purposes, proof of age, obtaining other forms of government identification, demonstrating eligibility for employment and paternity, and accessing health insurance. Under existing law, birth certificates limit the choice of parent to birth mother and father which forces some same-sex parents to inaccurately place a partner’s name in the “father” and “mother” field.

On February 21, 2014, Assemblymember Jimmy Gomez introduced AB 1951 which would require the California Department of Public Health to modify birth certificates to include a gender-neutral “parent” option in addition to the existing options of “mother” and “father.” According to the Resolution, the bill will protect children by accurately reflecting the identity of each of his or her parents and ensure that parents have the ability to make decisions on their child’s education, healthcare, and other critical needs.

The Resolution therefore recommends that the City support AB 1951 (Gomez).

## BACKGROUND

Existing law proscribes the duties of the State Registrar of Vital Statistics within the California Department of Public Health to include the furnishing of all forms for birth, death, fetal death, and marriage certificates and requires the Vital Statistics Advisory Committee to make recommendations and advise the State Registrar regarding content and format of birth certificates.

Birth certificates establish rights and responsibilities for parents and allow children to have access to health insurance, inheritance rights, and other benefits. Under current law, same-sex parents are allowed to place a spouse’s name in the “Father” or “Mother” field. Under the terms of AB 1951

(Gomez), the State Registrar of Vital Statistics would be instructed to update birth certificates to reflect two mothers and two fathers, as well as a gender-neutral parent option. Local registrars would be required to update all other forms to incorporate the modification.

According to the author of the bill, AB 1951 (Gomez) would prevent discrimination against same-sex couples by allowing the identity of each parent to be accurately identified on the birth certificate. The bill is sponsored by Equality California and is supported by the American Civil Liberties Union, and the American Federation of State, County, and Municipal Employees, and others. We are not aware of any official or organized opposition to this bill. As of this writing, the bill has been referred to the Committee on Appropriations. However, potential fiscal impacts to State are unknown at this time.

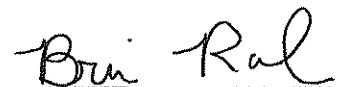
AB 1951 (Gomez), is consistent with existing City policies and practices to provide recognition and protection to same-sex couples and their families. Therefore, we recommend support of AB 1951 (Gomez).

Department Notified

None

Bill Status

April 9	From committee: Do pass and re-refer to Committee on Appropriations (Ayes 16, Noes 1).
April 8	Re-referred to Committee on Appropriations.
March 26	Re-referred to Committee on Health.
March 25	From committee chair, with author's amendments: Amended, and re-referred to Committee on Health. Read second time and amended.
March 18	Re-referred to Committee on Health.
March 17	From committee chair, with author's amendments: Amend, and re-refer to Committee on Health. Read second time and amended.
March 3	Referred to Committee on Health.

  
\_\_\_\_\_  
Brian Randol  
Analyst

Attachments:           1.     Resolution (Koretz – O’Farrell).  
                              2.     Text of AB 1951 (Gomez)

14-0002-535

MAR 26 2014

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the 2010 Census indicates that more than 594,000 same-sex couple households reside in California and, of that number, more than 115,000 same-sex couples have children; and

WHEREAS, the establishment of marriage equality in California has created a great need to modernize birth certificates to accurately reflect all families in the state; and

WHEREAS, birth certificates are used for identity purposes, proof of age, obtaining other forms of government identification, demonstrating eligibility for employment and paternity, and accessing health insurance; and

WHEREAS, under existing law, birth certificates currently limit the choice of parent to birth mother and father which forces some same-sex parents to inaccurately place a partner's name in the "father" and "mother" field; and

WHEREAS, on February 21, 2014, Assemblymember Jimmy Gomez introduced Assembly Bill (AB) 1951 which would require the California Department of Public Health to modify birth certificates to include a gender-neutral "parent" option in addition to the existing options of "mother" and "father"; and

WHEREAS, the passage of AB 1951 (Gomez) will protect children by accurately reflecting the identity of each of his or her parents and ensure that parents have the ability to make decisions on their child's education, healthcare, and other critical needs; and

WHEREAS, AB 1951 (Gomez), is consistent with existing City policies and practices to provide recognition and protection to same-sex couples and their families;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT for AB 1951 (Gomez), which would require the California Department of Public Health to modify birth certificates to include a gender-neutral "parent" option in addition to the existing options of "mother" and "father."

PRESENTED BY:

*Paul Koretz*

PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

SECONDED BY:

*Phil O'Connell*

*BMR*

BMR

MAR 26 2014

ORIGINAL

AMENDED IN ASSEMBLY MARCH 25, 2014

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1951**

---

**Introduced by Assembly Member Gomez**

February 19, 2014

---

An act to amend Section 102425 of, and to add Section 102425.1 to, the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Gomez. Vital records: birth certificates.

Existing law prescribes the duties of the State Registrar of Vital Statistics and local registrars of births and deaths with respect to the registration of a live birth. Under existing law, a certificate of live birth is required to contain, among other things, the full name, birthplace, and date of birth of both the father and mother of a child, except as provided.

Existing law provides for the Vital Statistics Advisory Committee, which, among other things, is required to review and make recommendations to the State Registrar as to proposals for addition or deletion of items on the certificate of live birth and advise the State Registrar on the content and format of the certificate. Existing law requires the State Registrar to publish within 30 days of receipt of recommendations by the committee, both a list of the recommendations adopted and a list of the recommendations not adopted, with reasons for the action.

This bill would instead require the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to

contain 2 lines that both read "Name of Parent" and contain, next to each parent's name, 3 check boxes with the options of mother, father, and parent to describe the parent's relationship to the child. ~~The bill would require the State Registrar to submit a report to the Legislature regarding the modification within 30 days of the action.~~ The bill would also require that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification. The bill would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 102425 of the Health and Safety Code  
2 is amended to read:  
3 102425. (a) The certificate of live birth for any live birth  
4 occurring on or after January 1, 1980, shall contain those items  
5 necessary to establish the fact of the birth and shall contain only  
6 the following information:  
7 (1) Full name and sex of the child.  
8 (2) Date of birth, including month, day, hour, and year.  
9 (3) Place of birth.  
10 (4) Full name, birthplace, and date of birth of each parent,  
11 including month, day, and year, and the relationship of the parent  
12 to the child.  
13 (A) The full name of the mother shall be the birth name of the  
14 mother.  
15 (B) If the parents are not married to each other, the father's  
16 name shall not be listed on the birth certificate unless the father  
17 and the mother sign a voluntary declaration of paternity at the  
18 hospital before the birth certificate is prepared. The birth certificate  
19 may be amended to add the father's name at a later date only if  
20 paternity for the child has been established by a judgment of a  
21 court of competent jurisdiction or by the filing of a voluntary  
22 declaration of paternity.  
23 (5) Multiple births and birth order of multiple births.  
24 (6) Signature, and relationship to the child, of a parent or other  
25 informant, and date signed.

1 (7) Name, title, and mailing address of the attending physician  
2 and surgeon or principal attendant, signature, and certification of  
3 live birth by the attending physician and surgeon or principal  
4 attendant or certifier, date signed, and name and title of the certifier  
5 if other than the attending physician and surgeon or principal  
6 attendant.

7 (8) Date accepted for registration and signature of local registrar.

8 (9) A state birth certificate number and local registration district  
9 and number.

10 (10) A blank space for entry of the date of death with a caption  
11 reading "Date of Death."

12 (b) In addition to the items listed in subdivision (a), the  
13 certificate of live birth shall contain the following medical and  
14 social information, provided that the information is kept  
15 confidential pursuant to Sections 102430 and 102447 and is clearly  
16 labeled "Confidential Information for Public Health Use Only":

17 (1) Birth weight.

18 (2) Pregnancy history.

19 (3) Race and ethnicity of each parent.

20 (4) Residence address of the birth mother.

21 (5) A blank space for entry of census tract for the birth mother's  
22 address.

23 (6) Date of first prenatal care visit, the number of prenatal care  
24 visits, and commencing January 1, 2007, the date of last prenatal  
25 care visit.

26 (7) Date of last normal menses and, commencing January 1,  
27 2007, an obstetric estimate of completed weeks of gestation at  
28 delivery.

29 (8) Description of complications and procedures of pregnancy  
30 and concurrent illnesses, congenital malformation, and any  
31 complication or procedure of labor and delivery, including surgery,  
32 provided that this information is essential medical information and  
33 appears in total on the face of the certificate.

34 (9) Commencing January 1, 2007, hearing screen results.

35 (10) Each parent's occupations and kind of business or industry.

36 (11) Education level of each parent.

37 (12) Principal source of payment for prenatal care, which shall  
38 include the following: Medi-Cal, private insurance, self-pay, other  
39 sources, and any other categories as may be determined by the  
40 State Department of Public Health.

1 (13) Expected principal source of payment for delivery, which  
2 shall include the following: Medi-Cal, private insurance, self-pay,  
3 other sources, and any other categories as may be determined by  
4 the State Department of Public Health.

5 (14) An indication of whether or not the child's parent desires  
6 the automatic issuance of a social security number to the child.

7 (15) On and after January 1, 1995, the social security numbers  
8 of each parent, unless subdivision (b) of Section 102150 applies.

9 (c) Paragraph (8) of subdivision (b) shall be completed by the  
10 attending physician and surgeon or the attending physician and  
11 surgeon's designated representative. The names and addresses of  
12 children born with congenital malformations who require followup  
13 treatment, as determined by the child's physician and surgeon,  
14 shall be furnished by the physician and surgeon to the local health  
15 officer, if permission is granted by either parent of the child.

16 (d) The parent shall only be asked to sign the form after both  
17 the public portion and the confidential medical and social  
18 information items have been entered upon the certificate of live  
19 birth.

20 (e) (1) The State Registrar shall instruct all local registrars to  
21 collect the information specified in this section with respect to  
22 certificates of live birth. The information shall be transcribed on  
23 the certificate of live birth in use at the time and shall be limited  
24 to the information specified in this section.

25 (2) Information relating to concurrent illnesses, complications  
26 and procedures of pregnancy and delivery, and congenital  
27 malformations shall be completed by the physician and surgeon,  
28 or the physician and surgeon's designee, who shall insert in the  
29 space provided on the confidential portion of the certificate the  
30 appropriate number or numbers listed on the VS-10A supplemental  
31 worksheet. The VS-10A supplemental form shall be used as a  
32 worksheet only and shall not in any manner be linked with the  
33 identity of the child or the birth mother, nor submitted with the  
34 certificate to the State Registrar. All information transferred from  
35 the worksheet to the certificate shall be fully explained to the parent  
36 or other informant prior to the signing of the certificate. Questions  
37 relating to drug or alcohol abuse shall not be asked.

38 (f) (1) The Vital Statistics Advisory Committee, in accordance  
39 with Section 102465, shall conduct a review of the contents of the  
40 certificate of live birth to coincide with decennial revisions by the

1 National Center for Health Statistics to the United States Standard  
2 Certificate of Live Birth. The Vital Statistics Advisory Committee  
3 shall make recommendations to the State Registrar regarding the  
4 adoption of modifications to the state certificate of live birth that  
5 are similar to those made to the federal certificate.

6 (2) Notwithstanding Section 102470, the State Registrar shall  
7 review the Vital Statistics Advisory Committee recommendations  
8 and, at the State Registrar's discretion, shall submit to the  
9 Legislature, for approval, additions or deletions to the certificate  
10 of live birth.

11 SEC. 2. Section 102425.1 is added to the Health and Safety  
12 Code, to read:

13 102425.1. (a) Notwithstanding Sections 102465 and 102470,  
14 the State Registrar of Vital Statistics, with regard to identification  
15 of the parents, shall modify the certificate of live birth to do both  
16 of the following:

17 (1) Contain two lines that both read "Name of Parent."

18 (2) Contain, next to each parent's name, three checkboxes to  
19 choose from with the following options to describe the parent's  
20 relationship to the child:

21 (A) Mother.

22 (B) Father.

23 (C) Parent.

24 ~~(b) Notwithstanding Section 102470, the State Registrar shall~~  
25 ~~submit a report to the Legislature regarding the modification within~~  
26 ~~30 days of the action.~~

27 ~~(c) A report to be submitted pursuant to subdivision (b) shall~~  
28 ~~be submitted in compliance with Section 9795 of the Government~~  
29 ~~Code.~~

30 ~~(d)~~

31 ~~(b)~~ (1) The certificate of live birth, as described in subdivision  
32 (a), shall be used by all local registrars, deputy registrars, and  
33 subregistrars.

34 (2) The local registrars, deputy registrars, and subregistrars shall  
35 update all forms to incorporate the modification and discard all  
36 forms in use before the modification described in subdivision (a).

O