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COMMITTEE REPORT

May 3, 2018

**H. 3775**

Introduced by Reps. Knight, Delleney, Cobb‑Hunter, Felder, J.E. Smith, Simrill, Douglas, West, Wheeler, Thigpen, Williams, McEachern, Johnson, Pitts, Ridgeway, Rutherford, Henegan, Collins, Brawley and King

S. Printed 5/3/18--S.

Read the first time April 9, 2018.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3775) to amend Section 44‑63‑140, as amended, Code of Laws of South Carolina, 1976, relating in part to original birth certificates of adopted persons, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑63‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ORIGINAL BIRTH CERTIFICATES OF ADOPTED PERSONS, SO AS TO ALLOW AN ADULT ADOPTEE TWENTY‑ONE YEARS OF AGE OR OLDER TO OBTAIN A COPY OF THE ADOPTEE’S OWN ORIGINAL BIRTH CERTIFICATE, TO ALLOW A BIOLOGICAL PARENT TO EXECUTE A CONTACT PREFERENCE FORM AT ANY TIME TO BE PROVIDED TO THE ADULT ADOPTEE WITH THE COPY OF THE ORIGINAL BIRTH CERTIFICATE, AND TO PROVIDE FOR THE SUBMISSION OF A MEDICAL HISTORY FORM BY A BIOLOGICAL PARENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑63‑140(1) of the 1976 Code is amended to read:

“(1)(a) For a person born in this State, the state registrar shall prepare a supplementary Certificate of Birth in the name of the adoptee, free of any reference to or indication of the fact that the child was adopted and showing the adoptive parents as the ~~real~~ parents, except that an adoption of an adult must display the words ‘By Adoption’ on the face of the amended certificate.

~~The state registrar shall furnish a copy of the amended certificate to the county registrar who shall file the amended certificate in lieu of the copy of the original birth certificate. The state registrar shall require the county registrar to return the copy of the original certificate recorded at the county office to the state office to be placed in the special sealed file. Periodically, the state registrar shall transmit copies of amendatory certificates to the county registrar in the county of birth.~~

(b) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction. However, a person twenty‑one years of age or older who was born in the State of South Carolina and who has had his original certificate of birth sealed due to an adoption may, upon written request to the state registrar, receive a copy of his original birth certificate and any evidence of the adoption held with the original record if the biological parent has completed a form consenting to the release of the original birth certificate. The form also must allow for the biological parent to indicate contact preference and to consent to release of medical history pursuant to item (1)(c). The copy of the original birth certificate must be in a form that clearly indicates it is not a certified copy and that it may not be used for legal purposes. All procedures, fees, and waiting periods applicable to nonadopted citizens born in the State of South Carolina seeking copies of certificates of birth apply.

(c) The department shall develop a contact preference form and a medical history form to provide to a biological parent upon request to be completed at his option. Upon completion, a contact preference form and a medical history form must be filed with the state registrar and accompany an original sealed birth certificate issued to an adoptee pursuant to subitem (b).

(d) The contact preference form must allow the biological parent to indicate whether he has completed or updated a medical history form and must allow the biological parent to choose one of the following contact options and provide contact information as appropriate:

(1) I would like to be contacted.

(2) I would prefer to be contacted only through an intermediary.

(3) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit an updated contact preference form to the state registrar.

Only department staff authorized to process applications made pursuant to subitem (b) may process contact preference and medical history forms.

(e) The medical history form and contact preference form are confidential communications from the biological parent to the person named on the sealed birth certificate and must be placed in a sealed file upon receipt from the biological parent in the file containing the sealed original birth certificate. The sealed file containing the contact preference form and medical history form must be released to an adoptee requesting the adoptee’s own original birth certificate pursuant to subitem (b). The contact preference form and medical history form are private communications from the biological parent to the adoptee named on the sealed birth certificate, and the state registrar shall retain a copy of the forms upon release to the adoptee.”

SECTION 2. Immediately upon enactment, the Office of the State Registrar of the Department of Health and Environmental Control shall conduct a public service campaign to inform the public of the provisions of the act, including the right of an adult adoptee age twenty‑one years or older to obtain a copy of the adoptee’s own original birth certificate and medical history provided by a biological parent and the right of a biological parent to execute a contact preference form indicating whether or not the biological parent would like to have contact with the adult adoptee.

SECTION 3. This act takes effect one year after approval by the Governor and applies only to adoptions finalized after that date.

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