**South Carolina General Assembly**

124th Session, 2021-2022

**A200, R226, H5000**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Matthews, Caskey, Wooten and May

Document Path: l:\council\bills\cc\16158vr22.docx

Companion/Similar bill(s): 4566

Introduced in the House on February 22, 2022

Introduced in the Senate on April 5, 2022

Last Amended on March 31, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: May 16, 2022, Signed

Summary: Original birth certificates

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/22/2022 House Introduced and read first time ([House Journal‑page 5](file:///h%3A%5Chj%5C20220222.docx))

 2/22/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 5](file:///h%3A%5Chj%5C20220222.docx))

 3/30/2022 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 2](file:///h%3A%5Chj%5C20220330.docx))

 3/30/2022 House Member(s) request name added as sponsor: May

 3/31/2022 House Amended ([House Journal‑page 9](file:///h%3A%5Chj%5C20220331.docx))

 3/31/2022 House Read second time ([House Journal‑page 9](file:///h%3A%5Chj%5C20220331.docx))

 3/31/2022 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 10](file:///h%3A%5Chj%5C20220331.docx))

 3/31/2022 House Unanimous consent for third reading on next legislative day ([House Journal‑page 12](file:///h%3A%5Chj%5C20220331.docx))

 4/1/2022 House Read third time and sent to Senate ([House Journal‑page 1](file:///h%3A%5Chj%5C20220401.docx))

 4/5/2022 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20220405.docx))

 4/5/2022 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20220405.docx))

 5/5/2022 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20220505.docx))

 5/10/2022 Senate Read second time ([Senate Journal‑page 76](file:///h%3A%5Csj%5C20220510.docx))

 5/10/2022 Senate Roll call Ayes‑38 Nays‑5 ([Senate Journal‑page 76](file:///h%3A%5Csj%5C20220510.docx))

 5/12/2022 Senate Read third time and enrolled ([Senate Journal‑page 113](file:///h%3A%5Csj%5C20220512.docx))

 5/12/2022 Ratified R 226 ([Senate Journal‑page 229](file:///h%3A%5Csj%5C20220512.docx))

 5/16/2022 Signed By Governor

 5/31/2022 Effective date 05/16/23

 5/31/2022 Act No.  200

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**VERSIONS OF THIS BILL**

[2/22/2022](file:///p%3A%5Cpprever%5C2021-22%5C5000_20220222.docx)

[3/30/2022](file:///p%3A%5Cpprever%5C2021-22%5C5000_20220330.docx)

[3/31/2022](file:///p%3A%5Cpprever%5C2021-22%5C5000_20220331.docx)

[5/5/2022](file:///p%3A%5Cpprever%5C2021-22%5C5000_20220505.docx)

(A200, R226, H5000)

**AN ACT TO AMEND SECTION 44‑63‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF ADULT ADOPTED PERSONS TO ACCESS THEIR ORIGINAL BIRTH CERTIFICATES IN CERTAIN CIRCUMSTANCES, SO AS TO APPLY RETROACTIVELY; AND FOR OTHER PURPOSES.**

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

**Original birth certificates, adult adopted persons**

SECTION 1. Section 44‑63‑140(1)(b), of the 1976 Code, as last amended by Act 241 of 2018, is further amended to read:

 “(b)(i) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction or as provided in this subitem.

 (ii) A person eighteen 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, regardless of the date on which the adoption was finalized, if:

 (A) a biological parent has completed a form consenting to the release of the original birth certificate or has provided notarized written consent to the release of the original birth certificate; or

 (B) the adoptee brings to the department a certification from the department or an office of vital records in another jurisdiction certifying that a biological parent is deceased.

 This provision allows adoptees who have reached the age of eighteen to access a copy of their original birth certificate and accompanying evidence of adoption with the consent of a biological parent, or if a biological parent is deceased, and applies retroactively, regardless of the date on which the adoption was finalized.

 (iii) The form referenced in subitem (b)(ii) also must allow for a 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.

 (iv) Whenever an adoptee who has reached the age of eighteen applies for a copy of his original birth certificate and accompanying evidence of adoption, the department shall redact from the copy all information as to any biological parent that has not given consent in accordance with this section, unless certified as deceased.”

**Time effective**

SECTION 2. This act takes effect twelve months after approval by the Governor.

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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