~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 15, 2021

**H. 3169**

Introduced by Reps. Pope, Bryant, Felder and Forrest

S. Printed 4/15/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3169) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑63‑145 so as to require the Department of Health and Environmental Control to issue, etc., respectfully

**REPORT:**

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

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires the state registrar to prepare, upon request, a Certificate of Foreign Birth for a child born in a foreign country who was a United States citizen at the time of birth and born to a parent who is a resident of South Carolina. It also requires DHEC to notify the adoptive parents of a person born in a foreign country who was a United States citizen at the time of birth the procedure for obtaining a revised Consular Report of Birth Abroad (FS-240), rather than a revised birth certificate. DHEC indicates that any costs associated with the implementation of the bill can be managed within its existing appropriations. Therefore, this bill will have no expenditure impact on the agency.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑63‑145 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ISSUE UPON RECEIPT OF CERTAIN DOCUMENTATION A CERTIFICATE OF FOREIGN BIRTH FOR A CHILD WITH UNITED STATES CITIZENSHIP WHO IS BORN IN A FOREIGN COUNTRY TO A PARENT WHO IS A RESIDENT OF SOUTH CAROLINA; AND TO AMEND SECTION 44‑63‑140, AS AMENDED, RELATING TO SUPPLEMENTARY OR AMENDED BIRTH CERTIFICATES, SO AS TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. Chapter 63, Title 44 of the 1976 Code is amended by adding:

“Section 44‑63‑145. (A)(1) Upon receipt of evidence of United States’ citizenship and foreign birth record for a child born in a foreign country who was a United States citizen at the time of birth and born to a parent that is a resident of this State, the state registrar shall prepare, upon request, a ‘Certificate of Foreign Birth’.

(2) The certificate, and any issued copy of the certificate, must be labeled ‘Certificate of Foreign Birth’ and must show the actual country of birth.

(3) The name of the child to be displayed on the certificate must be in concurrence with the name displayed on the evidence of United States’ citizenship.

(B)(1) When the name on the evidence of United States’ citizenship is contrary to the name listed on the foreign birth record, the state registrar shall list the name as indicated on the evidence of United States’ citizenship.

(2) If reasonable doubt exists as to the identity of the child, the applicant may be required to provide additional documentary evidence such as documentation of customary usage to include, but not be limited to, school records, medical records, United States passport, or a court order that provides for a legal change of name that is in concurrence with the evidence of United States’ citizenship.

(3) If the child’s name was changed by a court order, the applicant must submit a copy of the court order. The court order must list both the child’s current and former name. Court orders may be accepted from any court of competent jurisdiction, whether foreign or domestic. Unless there is reason to believe otherwise, it may be assumed that any court order provided was issued by a court of competent jurisdiction.

(C) Evidence of United States’ citizenship must consist of documentation issued by the United States Department of State to include the Consular Report of Birth Abroad (FS‑240), Certification of Birth Abroad (FS‑545), or Certification of Report of Birth (DS‑1350).

(D) The state registrar shall furnish a copy of the certificate to the county registrar who shall file the certificate.”

SECTION 2. Section 44‑63‑140(3) of the 1976 Code is amended to read:

“(3) If the person was born in a foreign country and was a United States citizen at the time of birth, the state registrar may not prepare a ‘Certificate of Foreign Birth’ but shall notify the adoptive parents of the procedure for obtaining a revised ~~birth certificate~~ Consular Report of Birth Abroad (FS‑240) for their child through the United States Department of State.”

SECTION 3. This act takes effect upon approval by the Governor.

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