

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 36

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO THE STATE REGISTRAR OF VITAL STATISTICS; AMENDING SECTION
3 39-5403, IDAHO CODE, TO REMOVE PROVISIONS REGARDING CERTAIN RECORDS;
4 AND AMENDING SECTION 39-270, IDAHO CODE, TO REVISE PROVISIONS REGARDING
5 DISCLOSURE OF CERTAIN INFORMATION.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 39-5403, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 39-5403. CONSENT -- ~~FILING AND~~ NOTICE REQUIREMENTS. (1) Artificial
10 insemination shall not be performed upon a woman without her prior written
11 request and consent and the prior written request and consent of her husband.

12 (2) ~~Whenever a child is born who may have been conceived by artificial~~
13 ~~insemination, a copy of the request and consent required under subsection~~
14 ~~(1) of this section shall be filed by the physician who performs the artifi-~~
15 ~~cial insemination with the state registrar of vital statistics. The state~~
16 ~~board of health and welfare shall have the authority to promulgate rules and~~
17 ~~regulations and to prescribe methods and forms of reporting, and fees to~~
18 ~~carry out the provisions of this act. Storage, retrieval and confidential-~~
19 ~~ity of records shall be governed by chapter 1, title 74, Idaho Code.~~

20 ~~(3) The information filed under subsection (2) of this section shall~~
21 ~~be sealed by the state registrar and may be opened only upon an order of a~~
22 ~~court of competent jurisdiction, except that pursuant to chapter 1, title~~
23 ~~74, Idaho Code, data contained in such records may be used for research and~~
24 ~~statistical purposes.~~

25 ~~(4) If the physician who performs the artificial insemination does not~~
26 ~~deliver the child conceived as a result of the artificial insemination, it is~~
27 ~~the duty of the mother and her husband to give that physician notice of the~~
28 ~~child's birth. The physician who performs the artificial insemination shall~~
29 ~~not be liable for noncompliance with subsection (2) of this section if the~~
30 ~~noncompliance is a result of the failure of the mother and her husband to no-~~
31 ~~tify the physician of the birth.~~

32 SECTION 2. That Section 39-270, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 39-270. DISCLOSURE OF INFORMATION. (a) Certificates and records in
35 the custody of the state registrar shall be open to inspection subject to
36 the provisions of this chapter and the rules of the board, the provisions of
37 section 74-102, Idaho Code, to the contrary notwithstanding; and it shall
38 be unlawful for any state or local official or employee under this chapter
39 to disclose any data contained in the records, except as authorized by this
40 chapter and the rules of the board.

1 (b) A complete copy, or any part of a certificate, may be issued to any
2 applicant who can show direct and tangible interest in the record for which
3 he applies. A complete copy, or any part of a certificate, shall be issued
4 upon request or at the direction of the state registrar to a state, federal or
5 local public agency for child protection and child support enforcement pur-
6 poses ~~pursuant to chapters 10, 11 and 12, title 7, Idaho Code, and sections~~
7 ~~16-1628, 20-524, 32-710A and 56-203, Idaho Code,~~ or for the purpose of inves-
8 tigation of fraud ~~related to benefit payments~~. Subject to such provisions
9 as the board may prescribe, data contained on records may be used by federal,
10 state or municipal agencies for the purpose of verification of data.

11 (c) As provided in chapter 1, title 74, Idaho Code, data contained on
12 records may be used for research, public health or statistical purposes. No
13 lists of registration shall be compiled for public use.

14 (d) The manner of keeping local records and the use thereof shall be
15 prescribed by the board, in keeping with the provisions of this section.

16 (e) When one hundred (100) years have elapsed after the date of birth,
17 or fifty (50) years have elapsed after the date of death, stillbirth, mar-
18 riage or divorce, the records of these events in the custody of the state reg-
19 istrar shall become public records and information shall be made available
20 in accordance with chapter 1, title 74, Idaho Code.