

## SENATE THIRD READING

SB 313 (Cervantes)

As Amended May 1, 2025

Majority vote

**SUMMARY**

Requires the birthplace of each parent to be contained in the medical and social information section of the live birth certificate, which is confidential, rather than the publicly available section containing items necessary to establish the fact of the birth. States that it is necessary to limit the public's right of access to this information in order to protect the privacy of persons with regard to information about the birthplace of their parents, except for access by authorized entities or individuals for health-related or other limited purposes.

**COMMENTS**

*State Registrar.* The Office of Vital Records within the State Department of Public Health (DPH) is the State Registrar for the State of California. The State Registrar is charged with maintaining a uniform system for registration and a permanent central registry with a comprehensive and continuous index for all birth, death, fetal death, marriage, and dissolution certificates registered for vital events which occur in California. Certified copies of these records are available from the State Registrar which maintains a permanent, public record of every birth and death that has occurred in California since July 1905, and has more than 50 million records on file. The State Registrar is a separate entity from local registrars and county recorders, but has supervisory power over local registrars. According DPH, after state registration, birth data are sent to:

- 1) The National Center for Health Statistics (NCHS) via the Inter-Jurisdictional Exchange (IJE) natality file. Birth data is used for surveillance and generating state and national statistics. The mother's place of birth is currently included in the IJE file whether the mother's place of birth is in the public or confidential section. The father's place of birth is not available to anyone. Although NCHS does not receive names of children or their parents, they do receive other fields that could be used for identification, including the mother's date of birth and residence address. Moving parent place of birth to the confidential section does not prevent their inclusion in the IJE file.
- 2) The Social Security Administration (SSA) receives birth data (e.g., names, mailing address, parent Social Security Numbers) from DPH when parents request a Social Security Number for their child, but parents' place of birth is not reported in this file.
- 3) California Local Health Departments have access to birth data from their own county, including parents' place of birth, via the California Comprehensive Birth File in the Vital Records Business Intelligence System.

*Local Registrars and County Recorders.* Health officers of local health departments serve as the local registrars for their respective health jurisdiction, and perform all the duties of a local registrar of births and deaths. Before birth and death records are registered with the State Registrar, the records are first registered by the county health department and recorded by the county recorder's office in the local jurisdiction where the birth or death took place. The county health department keeps birth and death records for current year events and one year prior, but records for all years are maintained by the county recorder.

*Birth certificate availability.* According to DPH, there are two types of birth certificates available: a certified copy and a certified informational copy. The certified copy is only available to an authorized person (generally, the registrant or their family member, law enforcement, the registrant's attorney, or a person empowered by the court). Any person who is not an authorized person can obtain a certified informational copy. The main differences between certified and certified informational copies of birth certificates are that an informational copy will have Social Security numbers and signatures redacted along with a legend across the document that states, "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." The confidential section of a birth record is restricted and contains confidential medical and social information, which is often used for health or research purposes. Only the registrant, the parent who signed the certificate, or a person who has petitioned to adopt the person named on the certificate can receive the confidential section of the birth certificate.

*Birthright Citizenship.* The Fourteenth Amendment of the U.S. Constitution guarantees birthright citizenship, stating that all persons born or naturalized in the U.S. are citizens of the U.S. and of the State wherein they reside. In the Supreme Court case *United States v. Wong Kim Ark (1898)*, the decision clarified that children born in the U.S. to immigrant parents are citizens, regardless of their parents' immigration status. On January 20, 2025, however, President Trump issued Executive Order (EO) 14160, titled "*Protecting the Meaning and Value of American Citizenship*" that would narrow U.S. birthright citizenship by excluding children born in the U.S. to mothers who are either unlawfully present or legally present but on temporary status, unless the father is either a U.S. citizen or lawful permanent resident. The EO was challenged and on June 27, 2025, the Supreme Court released its decision in the case *Trump v. CASA*. The decision limits the ability of lower courts to issue nationwide injunctions and allows the EO to take effect in 30 days in the jurisdictions that have not challenged it. It would not take effect in California. The Court did not rule on the constitutionality of the EO. On August 8, 2025, a Maryland District Court certified a class action "on behalf of children born, or who will be born, on U.S. soil who have been targeted by an Executive Order that seeks to deny them birthright citizenship," and issued a preliminary injunction against the order.

*Medicaid and tax data provided to immigration officials.* According to the Associated Press, in June 2025 the Trump Administration provided deportation officials with personal data, including the immigration status, on millions of Medicaid enrollees (the Medi-Cal program in California). The data includes addresses, names, social security numbers, and claims data for enrollees in California, Washington, and Illinois. The Trump Administration has sought other avenues for obtaining information on immigrants in the U.S., including tax data from the Internal Revenue Service. According to a press release from Governor Newsom, the Centers for Medicare and Medicaid Services regularly receives data for every person enrolled in Medi-Cal, including immigrants with lawful status who are eligible for full-scope Medi-Cal, and undocumented immigrants who, under federal law, are eligible for Medicaid emergency services. Emergency Medi-Cal provides coverage for medical emergencies, including childbirth, for all eligible low-income residents of California, including undocumented immigrants. Every state has an emergency Medicaid program.

### **According to the Author**

The birth certificate is often one of the first legal documents a person acquires, and its significance is sometimes overlooked. In the U.S., birth certificates serve as proof of an individual's age, citizenship status, and identity. They are essential for obtaining a Social Security number, applying for a passport, enrolling in schools, getting a driver's license, securing

employment, or applying for other benefits. Birth certificates include sensitive information of a child's parents, including their place of birth. The author continues that the bottom portion of the certificate, containing "Confidential Information for Public Health Use," is typically not included on routine copies unless specifically requested by the person named on the certificate, the parent who signed it, or, if no parent signed, the mother.

The author says that, unfortunately, parent birthplace is not confidential information. The current federal administration attempted, by executive order, to deny citizenship to children born not only to undocumented parents but to anyone with one parent who is either undocumented or is in the U.S. on a temporary visa or stay. The author contends this bill does not take away the authority of the DPH to authenticate any documents presented by applicants nor does it aim to reform birth certificates. However, it does ensure the confidentiality of the parent's country of origin by designating it as confidential under the law, similar to other types of sensitive information that are already protected. This bill aims to enhance the privacy of families by keeping personal information secure and away from public access. Although the practice of information sharing is not new, the implications of the lack of protection of personal information could be far-reaching, particularly in the context of increased scrutiny over personal data. Individuals must remain vigilant about how their data is shared and utilized, as any breach could have serious implications for their privacy and security. The author concludes that ensuring robust safeguards and policies is essential in this evolving landscape, to maintain trust and protect the rights of individuals in an era where personal information is more vulnerable than ever.

### **Arguments in Support**

Oakland Privacy supports this bill, if amended, stating that California has recognized that the expansion of information contained in a birth certificate should be private, and has made some information confidential which can only be viewed by certain entities. The current federal administration is threatening to up-end the Fourteenth Amendment, which grants people born in the U.S. with citizenship. This bill would protect individuals born in California if born to immigrant parents by keeping the birthplace of parents confidential. Oakland Privacy supports striking a balance between privacy and the interests of public disclosure, in particular when it would be in the public interest to disclose certain information. By keeping the birthplace of parents confidential, it would make it harder for the public to obtain background information on public figures and fact-check statements. To balance privacy while maintaining the ability to hold public officials accountable for their rhetoric and actions, Oakland Privacy suggests allowing a process for approved entities, which includes journalists, to be able to petition a court for access to this confidential information and establishing a sunset clause.

### **Arguments in Opposition**

None.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, DPH estimates annual General Fund costs of \$315,000 in Fiscal Year (FY) 2026-27, and \$157,000 in FY 2027-28 and ongoing to support the salary of one full-time position to process, review, and revise Certificate of Live Birth and Certificate of Fetal Death paper forms, as well as the cost of reprogramming the California Integrated Vital Records System.

**VOTES****SENATE FLOOR: 28-10-2**

**YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener  
**NO:** Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

**ABS, ABST OR NV:** Hurtado, Reyes

**ASM HEALTH: 12-1-3**

**YES:** Bonta, Addis, Aguiar-Curry, Caloza, Carrillo, Mark González, Krell, Patel, Celeste Rodriguez, Schiavo, Sharp-Collins, Stefani

**NO:** Sanchez

**ABS, ABST OR NV:** Chen, Flora, Patterson

**ASM JUDICIARY: 9-3-0**

**YES:** Kalra, Hart, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

**NO:** Dixon, Macedo, Sanchez

**ASM APPROPRIATIONS: 11-3-1**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

**NO:** Sanchez, Dixon, Tangipa

**ABS, ABST OR NV:** Ta

**UPDATED**

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