
UNFINISHED BUSINESS

Bill No: SB 313
Author: Cervantes (D), et al.
Amended: 9/5/25
Vote: 21

SENATE HEALTH COMMITTEE: 9-2, 4/23/25

AYES: Menjivar, Durazo, Gonzalez, Limón, Padilla, Richardson, Rubio, Weber
Pierson, Wiener

NOES: Valladares, Grove

SENATE JUDICIARY COMMITTEE: 11-1, 4/29/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello

NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 5-1, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto

NO VOTE RECORDED: Dahle

SENATE FLOOR: 28-10, 6/2/25

AYES: 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

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto,
Strickland, Valladares

NO VOTE RECORDED: Hurtado, Reyes

ASSEMBLY FLOOR:

SUBJECT: Vital records: birth certificates

SOURCE: Author

DIGEST: This bill requires the birthplace of each parent to be contained in the medical and social portion of the certificate of live birth and to be kept confidential.

Assembly Amendments delay implementation until July 1, 2027.

ANALYSIS:

Existing law:

- 1) Establishes the California Department of Public Health (CDPH) and sets forth its powers and duties, including duties as the State Registrar relating to vital records and health statistics. [Health and Safety Code (HSC) §102100, et seq.]
- 2) Makes the local health officer of an approved public health department the local registrar in and for all registration districts within that health jurisdiction and requires the local registrar to perform all the duties of a local registrar of births and deaths. Requires the State Registrar, in other areas, to appoint a local registrar of births and deaths for each registration district. [HSC §102275 and §102280]
- 3) Requires the certificate of live birth to include only the following information:
 - a) Full name and sex of the child;
 - b) Date of birth, including month, day, hour, and year;
 - c) Place of birth;
 - d) Full name, birthplace, and date of birth of each parent, including month, day, and year, and the parental relationship of the parent to the child;
 - e) Multiple births and birth order of multiple births;
 - f) Signature, and relationship to the child, of a parent or other informant, and date signed;
 - g) Name, title, and mailing address of the attending physician and surgeon or principal attendant, signature, and certification of live birth by the attending physician and surgeon or principal attendant or certifier, date signed, and name and title of the certifier, if other than the attending physician and surgeon or principal attendant;
 - h) Date accepted for registration and signature of local registrar;
 - i) A state birth certificate number and local registration district and number; and,

- j) A blank space for entry of the date of death with a caption reading “Date of Death”. [HSC §102425(a)]
- 4) Requires, in addition to the items listed in 5) above, the certificate of live birth to contain only the following medical and social information, provided that the information is kept confidential, and is clearly labeled “Confidential Information for Public Health Use Only”:
- a) Birth weight;
 - b) Pregnancy history;
 - c) Race and ethnicity of the mother and any other parent;
 - d) Residence address of the birth mother;
 - e) A blank space for entry of census tract for the birth mother’s address;
 - f) Date of first prenatal care visit, the number of prenatal care visits, and commencing January 1, 2007, the date of last prenatal care visit;
 - g) Description of complications and procedures of pregnancy and concurrent illnesses, congenital malformation, and any complication or procedure of labor and delivery, including surgery, providing that this information is essential medical information and appears in the total of the face of the certificate;
 - h) Commencing January 1, 2007, hearing screen results;
 - i) The occupations of the mother and father or parent and kind of business or industry;
 - j) Education level of the mother and father or parent;
 - k) Principal source of payment for prenatal care, which includes the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories determined by CDPH;
 - l) Expected principal source of payment for delivery, which includes the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories determined by CPDH;
 - m) Any indication of whether or not the child’s parent desires the automatic issuance of a social security number to the child; and
 - n) On and after January 1, 1995, the social security numbers of the mother and father or parent, unless the parent has good cause for not disclosing the parent’s social security number. [HSC §102425(b)]
- 5) Requires, the second section of the certificate of live birth as specified in 6) above shall be limited to the following:
- a) CDPH staff;

- b) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively;
 - c) The county coroner;
 - d) Persons with a valid scientific interest as determined by the State Registrar, who are engaged in demographic, epidemiological, or other similar studies related to health, and who agree to maintain confidentiality as prescribed by this part and by regulation of the State Registrar;
 - e) The parent who signed the certificate or, if no parent signed the certificate, the mother;
 - f) The person named on the certificate;
 - g) A person who has petitioned to adopt the person named on the certificate of live birth;
 - h) The following state government departments requesting the information for official government business purposes as deemed appropriate by the State Registrar, that agree to maintain confidentiality: CDPH, the State Department of Health Care Services, the Department of Finance, the Scholarshare Investment Board, for the purpose of implementing the California Kids Investment and Development Savings Program, and the Department of Health Care Access and Information; and
 - i) The birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of reviewing and correcting birth or fetal death records. The birth hospital shall not further disclose the information nor use the information for purposes other than allowed by this part. [HSC §102430(a)]
- 6) Requires CDPH to maintain an accurate record of all persons who are given access to the confidential portion of the certificates. The record shall include all of the following: the name of the person authorizing access, the name, title, and organizational affiliation of persons given access, the dates of access, and the specific purpose for which the information is to be used. [HSC §102430(b)]

This bill requires, commencing July 1, 2027, the birthplace of each parent to be contained in the medical and social portion of the certificate of live birth and to be kept confidential.

Comments

According to the author of this bill:

President Trump's unconstitutional executive order attempting to deny birthright citizenship to certain groups of Americans based on their

parentage is contrary to legal precedents dating back to the post-Civil War era. This includes the original understanding of the Framers of the Fourteenth Amendment and the landmark Supreme Court decision in *United States v. Wong Kim Ark* from 1898, which affirmed that citizenship is granted to any person born in the U.S. This bill will reinforce California's commitment to this principle by requiring birth certificates issued in California to include a clear statement that the individual is granted citizenship by virtue of their birth in the U.S. This will protect the rights of all citizens born in California and affirm the longstanding principle of birthright citizenship embodied in the Fourteenth Amendment.

Background

The State Registrar. CDPH's Vital Records Registration Branch is charged with maintaining a uniform, comprehensive, and continuous index for all birth, death, fetal death, and marriage vital events that occur in California, of which there are over one million each year. Certified copies of vital records are available from CDPH, 58 county recorders, and 61 local health jurisdictions. CDPH maintains, and can provide, birth and death records from 1905 to the present. For marriage records, CDPH maintains and can provide those from 1946 to the present, with some years excluded. CDPH uses the data collected through death certificates for public health research and planning.

Birth and death certificates. According to CDPH, there are two types of birth and death certificates available: an authorized copy and an informational copy. The authorized 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 an informational copy. The main differences between authorized and informational copies of death 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 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. According to the National Public Radio, the Supreme Court says it will hear arguments in the challenges against Trump's Executive Order on May 15, and will come to a decision likely by late June or early July.

Related/Prior Legislation

AB 64 (Pacheco) of the current legislative session requires the State Registrar to require the use of a diacritical mark on an English letter within a name to be properly recorded, when applicable, on a certificate of live birth, fetal death, death, marriage license and certificate, and would require the use of a diacritical mark to be deemed an acceptable entry by the State Registrar. The bill is pending on the Senate Floor.

AB 1084 (Zbur) of the current legislative session streamlines the process for legally changing one's name, including a change of name to match a person's gender identity. The bill requires the State Registrar or county clerk to issue a new birth certificate or marriage license and certificate within two weeks of the receipt of an application of a name change. The bill is pending on the Senate Floor.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, the California Department of Public Health (CDPH) 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.

SUPPORT: (Verified 9/8/25)

None received

OPPOSITION: (Verified 9/8/25)

None received

SUPPORT. *Support if amended.* Oakland Privacy writes that the current federal administration is threatening to upend the Fourteenth Amendment, which grants individuals born in the U.S. with citizenship. This bill would protect individuals born in California by keeping the birthplace of their parents confidential. Oakland Privacy adds that there needs to be 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 more difficult for the public to obtain background information on public information on public figures and fact check statements. They exemplify this by stating that Congressman Ted Cruz has publicly spoken out against birthright citizenship when journalists uncovered that his parents are immigrants themselves. They propose to allow a process for approved entities which includes journalists to be able to petition a court for access to this confidential information, as well as establish a sunset clause in this bill.

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9/10/25 15:00:06

**** END ****