

2017 -- H 5929

LC000351

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY - BIRTH CERTIFICATES

Introduced By: Representatives McEntee, Craven, Tanzi, and Ruggiero

Date Introduced: March 16, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-3-10 of the General Laws in Chapter 23-3 entitled "Vital  
2 Records" is hereby amended to read as follows:

3 **23-3-10. Birth registration.**

4 (a) A certificate of birth for each live birth which occurs in this state shall be filed with  
5 the state registrar of vital records, or as otherwise directed by the state registrar, within four (4)  
6 days after that birth.

7 (b) When a birth occurs in an institution, the person in charge of the institution, or his or  
8 her designated representative, shall obtain the personal data; prepare the certificate; secure the  
9 signatures required by the certificate; and file it with the state registrar of vital records, or as  
10 otherwise directed by the state registrar. The physician and/or midwife in attendance, or his or her  
11 authorized designee as defined in department regulations, shall certify to the facts of birth and  
12 provide the medical information required by the certificate within three (3) days after the birth.

13 (c) When a birth occurs outside an institution, the certificate shall be prepared and filed  
14 by one of the following in the indicated order of priority:

15 (1) The physician in attendance at, or immediately after, the birth, or in the absence of a  
16 physician;

17 (2) Any other person in attendance at, or immediately after, the birth, or in the absence of  
18 any person in attendance at or immediately after the birth;

19 (3) The father, the mother, or, in the absence of the father and the inability of the mother,

1 the person in charge of the premises where the birth occurred.

2 (4) When a birth occurs in a moving conveyance, the place of birth shall be that address  
3 in the city or town where the child is first removed from the conveyance.

4 (d) (1) If the mother was married either at the time of conception or birth, the name of the  
5 husband shall be entered on the certificate as the father of the child unless paternity has been  
6 determined otherwise by a court of competent jurisdiction, in which case the name of the father as  
7 determined by the court shall be entered.

8 (2) If the mother was not married either at the time of conception or birth, the child shall  
9 bear the mother's surname and the name of the father shall not be entered on the certificate of  
10 birth without the written consent of the mother and the person to be named as the father unless a  
11 determination of paternity has been made by a court of competent jurisdiction, in which case the  
12 name of the father as determined by the court shall be entered on the birth certificate.

13 (3) If the mother is in a same sex relationship at the time of either conception or birth, or  
14 between conception and birth, the name of the parenting partner, with the mother's written  
15 consent, shall be entered on the birth certificate as a parent of the child, unless parentage has been  
16 otherwise determined by a court of competent jurisdiction. The child's surname shall be  
17 determined by the mother.

18 (e) The state registrar shall not decline to register and/or issue any birth certificate or  
19 certified copy of any birth certificate on the grounds that medical or health information collected  
20 for statistical purposes has not been supplied.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1 This act would permit a parenting partner of a mother, with the mother's written consent,
- 2 to be included on a birth certificate as a parent to the child.
- 3 This act would take effect upon passage.

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