

2024 Regular Session

HOUSE BILL NO. 93

BY REPRESENTATIVE WILLARD

VITAL RECORDS/BIRTH CERT: Provides relative to access to birth certificates

1 AN ACT

2 To amend and reenact R.S. 40:38 and 41(C)(2)(a), relative to vital records in the custody of  
3 the state registry; to provide access for certain persons to vital records; to require the  
4 state registrar to issue records under certain circumstances; to provide for an  
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:38 and 41(C)(2)(a) are hereby amended and reenacted to read as  
8 follows:

9 §38. Certified copies, issuance

10 A certified copy of a vital record in the custody of the vital records registry  
11 shall be issued in accordance with other provisions of law governing disclosure of  
12 records under this Title and regulations duly promulgated in accordance with the  
13 Administrative Procedure Act.

14 \* \* \*

15 §41. Disclosure of records

16 \* \* \*

17 C.

18 \* \* \*

19 (2)(a) The credentials of an attorney, together with a written declaration of  
20 the record in which he is interested and a written declaration or oral statement that  
21 he is a legal representative of one of the named parties referenced in Paragraph (1)

1           of this Subsection, including parties under the age of eighteen, shall constitute  
 2           sufficient proof of a direct interest in the matter recorded. The state registrar shall  
 3           accept and fulfill requests for birth certificates upon submission of such a written  
 4           declaration with a copy of the credentials of the attorney, whether the request is  
 5           submitted by the attorney or by a nonlawyer employed or retained by or associated  
 6           with that attorney.

7   \*       \*       \*

8           Section 2. This Act shall become effective upon signature by the governor or, if not  
 9           signed by the governor, upon expiration of the time for bills to become law without signature  
 10          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 11          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 12          effective on the day following such approval.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 93 Engrossed

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**Abstract:** Requires the state registrar to provide access to vital records and birth certificates for requests made by an attorney for a named party.

Present law provides that vital records in custody of the state registry are open to inspection upon satisfying the requirements in present law.

Present law provides that the credentials of an attorney with a written declaration of the record in which he is interested and written declaration or oral statement that he is a legal representative of one of the named parties referenced in his request is sufficient proof of a direct interest in the matter recorded.

Proposed law retains present law and requires that issuance of requested vital records be in accordance with other provisions governing disclosure of records.

Proposed law provides that a written declaration or oral statement that an attorney is a legal representative of one of the named parties who may be a party under the age of 18.

Proposed law requires the state registrar to accept and fulfill requests for birth certificates whether the request was made by the attorney or by a nonlawyer employed or retained by or associated with that attorney.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:38 and 41(C)(2)(a))