

**SUBJECT:** Extending birth certificate filing deadline for religious reasons

**COMMITTEE:** Public Health — committee substitute recommended

**VOTE:** 8 ayes — Delisi, Laubenberg, Coleman, Dawson, Jackson, McReynolds, Solis, Truitt

0 nays

1 absent — Zedler

**WITNESSES:** For — (*Registered, but did not testify:* Jennifer Banda, Texas Hospital Association)

Against — None

On — Geraldine R. Harris, Texas Department of State Health Services, Vital Statistics Unit

**BACKGROUND:** Under Health and Safety Code, sec. 192.003, a person required to file a birth certificate or report a birth must file the certificate or make the report no later than the fifth day following the date of birth. If the parents do not provide a name by that time, the hospital will file for a birth certificate using a general name such as “Baby Boy.” Birth certificates may be amended by adding an addendum to change the name at a cost of \$15.

**DIGEST:** CSHB 1604 would allow parents to request on religious grounds that the person required to file their child’s birth certificate or report the birth delay taking these actions until the child had been named. The parents would be required to report to this individual as soon as the child had been named. The person responsible for filing the birth certificate or making the report would have to do so no later than the 15th day after the child’s birth.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect August 29, 2005.

**SUPPORTERS  
SAY:**

CSHB 1604 would allow people to express their religious freedom. Without such an option, some people would be forced to choose between disregarding their own religious practices and naming their child prior to when their faith dictates or paying a fee to have the birth certificate amended later. It is an unfair expectation that certain people should have to pay more than others to document the name of their child in order to uphold their religious beliefs.

Various religions dictate the time at which a child should be named following birth. For example, certain practitioners of the Jewish faith do not name baby boys until the eighth day after birth.

The bill would not increase the administrative burden on hospitals because the burden to report the child's name would remain on the parent. Also, it only would affect a relatively small portion of the population because it specifies that such delayed filings would occur only in instances where religious grounds existed.

**OPPONENTS  
SAY:**

This bill would open the door to people who wished to extend the period of time in which a birth certificate could be filed for any number of reasons. There already is a mechanism in place to amend a birth certificate, so people who do not wish to name their babies right away simply can have the birth certificate amended later. The five-day filing deadline exists for a reason. Birth certificates provide relevant information for governmental purposes and facilitate the process of obtaining social security numbers for children. Delayed filing also can interfere with updating statistics to the National Center for Health Statistics and conveying relevant local data to counties.

**NOTES:**

The substitute differs from the original bill in that it would require a parent to contact the person filing the birth certificate immediately following the selection of a name and would require the person responsible for filing the birth certificate to do so no later than the 15th day after the child's birth. In addition, the substitute would take effect August 29, 2005, rather than September 1, 2005.