



General Assembly

January Session, 2011

**Amendment**

LCO No. 8197

**\*HB0663108197HDO\***

Offered by:

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.

REP. OLSON, 46<sup>th</sup> Dist.

REP. GROGINS, 129<sup>th</sup> Dist.

REP. FOX, 146<sup>th</sup> Dist.

REP. HETHERINGTON, 125<sup>th</sup> Dist.

To: Subst. House Bill No. 6631

File No. 648

Cal. No. 377

**"AN ACT CONCERNING THE ISSUANCE OF A REPLACEMENT  
BIRTH CERTIFICATE PURSUANT TO A GESTATIONAL  
AGREEMENT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 7-48a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 [On and after January 1, 2002, each birth] (a) Each original certificate  
6 of birth shall be filed with the name of the birth mother recorded.

7 (b) If the birth is subject to a gestational agreement, the Department  
8 of Public Health shall create a replacement certificate [in accordance  
9 with an order from a court of competent jurisdiction not later than  
10 forty-five days after receipt of such order or forty-five days after the

11 birth of the child, whichever is later. Such] of birth immediately upon:  
12 (1) Receipt of a certified copy of an order of a court of competent  
13 jurisdiction approving a gestational agreement and issuing an order of  
14 parentage pursuant to such gestational agreement, if such order is  
15 received by the department after the birth of the child, or (2) the filing  
16 of an original certificate of birth, if such order is received by the  
17 department prior to the birth of the child. The department shall  
18 prepare the replacement certificate of birth for the child born of the  
19 agreement in accordance with such order. The replacement certificate  
20 of birth shall include all information required to be included in a  
21 certificate of birth of this state as of the date of the birth, except that the  
22 intended parent or parents under the gestational agreement shall be  
23 named as the parent or parents of the child. When a certified copy of  
24 [such] a certificate of birth is requested by an eligible party, as  
25 provided in section 7-51, for which a replacement certificate of birth  
26 has been created pursuant to this subsection, a copy of the replacement  
27 certificate of birth shall be provided. The department shall seal the  
28 original certificate of birth in accordance with the provisions of  
29 subsection (c) of section 19a-42.

30 (c) Immediately after a replacement certificate of birth has been  
31 prepared, the department shall transmit an exact copy of such  
32 certificate to the registrar of vital statistics of the town of birth and to  
33 any other registrar as the department deems appropriate. [The town]  
34 Such registrar shall proceed in accordance with the provisions of  
35 section 19a-42.

36 Sec. 2. Section 7-36 of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2011*):

38 As used in this chapter and sections 19a-40 to 19a-45, inclusive,  
39 unless the context otherwise requires:

40 (1) "Registrar of vital statistics" or "registrar" means the registrar of  
41 births, marriages, deaths and fetal deaths or any public official charged  
42 with the care of returns relating to vital statistics;

43 (2) "Registration" means the process by which vital records are  
44 completed, filed and incorporated into the official records of the  
45 department;

46 (3) "Institution" means any public or private facility that provides  
47 inpatient medical, surgical or diagnostic care or treatment, or nursing,  
48 custodial or domiciliary care, or to which persons are committed by  
49 law;

50 (4) "Vital records" means a certificate of birth, death, fetal death or  
51 marriage;

52 (5) "Certified copy" means a copy of a birth, death, fetal death or  
53 marriage certificate that (A) includes all information on the certificate  
54 except such information that is nondisclosable by law, (B) is issued or  
55 transmitted by any registrar of vital statistics, (C) includes an attested  
56 signature and the raised seal of an authorized person, and (D) if  
57 submitted to the department, includes all information required by the  
58 commissioner;

59 (6) "Uncertified copy" means a copy of a birth, death, fetal death or  
60 marriage certificate that includes all information contained in a  
61 certified copy except an original attested signature and a raised seal of  
62 an authorized person;

63 (7) "Authenticate" or "authenticated" means to affix to a vital record  
64 in paper format the official seal, or to affix to a vital record in electronic  
65 format the user identification, password, or other means of electronic  
66 identification, as approved by the department, of the creator of the  
67 vital record, or the creator's designee, by which affixing the creator of  
68 such paper or electronic vital record, or the creator's designee, affirms  
69 the integrity of such vital record;

70 (8) "Attest" means to verify a vital record in accordance with the  
71 provisions of subdivision (5) of this section;

72 (9) "Correction" means to change or enter new information on a

73 certificate of birth, marriage, death or fetal death, within one year of  
74 the date of the vital event recorded in such certificate, in order to  
75 accurately reflect the facts existing at the time of the recording of such  
76 vital event, where such changes or entries are to correct errors on such  
77 certificate due to inaccurate or incomplete information provided by the  
78 informant at the time the certificate was prepared, or to correct  
79 transcribing, typographical or clerical errors;

80 (10) "Amendment" means to (A) change or enter new information  
81 on a certificate of birth, marriage, death or fetal death, more than one  
82 year after the date of the vital event recorded in such certificate, in  
83 order to accurately reflect the facts existing at the time of the recording  
84 of the event, (B) create a replacement certificate of birth for matters  
85 pertaining to parentage and gender change, or (C) change a certificate  
86 of birth, marriage, death or fetal death to reflect facts that have  
87 changed since the time the certificate was prepared, including, but not  
88 limited to, a legal name change or a modification to a cause of death;

89 (11) "Acknowledgment of paternity" means to legally acknowledge  
90 paternity of a child pursuant to section 46b-172;

91 (12) "Adjudication of paternity" means to legally establish paternity  
92 through an order of a court of competent jurisdiction;

93 (13) "Parentage" includes matters relating to adoption, gestational  
94 agreements, paternity and maternity;

95 (14) "Department" means the Department of Public Health; [and]

96 (15) "Commissioner" means the Commissioner of Public Health or  
97 the commissioner's designee;

98 (16) "Gestational agreement" means a written agreement for assisted  
99 reproduction in which a woman agrees to carry a child to birth for an  
100 intended parent or intended parents, which woman contributed no  
101 genetic material to the child and which agreement (A) names each  
102 party to the agreement and indicates each party's respective

103 obligations under the agreement, (B) is signed by each party to the  
 104 agreement and the spouse of each such party, if any, and (C) is  
 105 witnessed by at least two disinterested adults and acknowledged in  
 106 the manner prescribed by law; and

107 (17) "Intended parent" means a party to a gestational agreement  
 108 who agrees, under the gestational agreement, to be the parent of a  
 109 child born to a woman by means of assisted reproduction, regardless  
 110 of whether the party has a genetic relationship to the child."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	7-48a
Sec. 2	October 1, 2011	7-36