

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1430 Session of  
1993

INTRODUCED BY WOZNIAK, RUDY, YEWCIC, BAKER, HERMAN,  
M. N. WRIGHT, SURRA, HECKLER, STEELMAN, S. H. SMITH, SAURMAN,  
LAUGHLIN, RAYMOND, WOGAN, GIGLIOTTI, HASAY, PISTELLA, MUNDY,  
SEMMELE, HARLEY, DeLUCA, ROONEY, LINTON, GEIST, FAIRCHILD,  
ULIANA, KUKOVICH AND TIGUE, APRIL 27, 1993

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 27, 1993

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An  
2 act providing for the administration of a statewide system of  
3 vital statistics; prescribing the functions of the State  
4 Department of Health, the State Advisory Health Board and  
5 local registrars; imposing duties upon coroners,  
6 prothonotaries, clerks of orphans' court, physicians,  
7 midwives and other persons; requiring reports and  
8 certificates for the registration of vital statistics;  
9 regulating the disposition of dead bodies; limiting the  
10 disclosure of records; prescribing the sufficiency of vital  
11 statistics records as evidence; prescribing fees and  
12 penalties; and revising and consolidating the laws relating  
13 thereto," requiring providing an opportunity for birth  
14 parents to voluntarily acknowledge the paternity of a child.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 401 of the act of June 29, 1953 (P.L.304,  
18 No.66), known as the Vital Statistics Law of 1953, amended July  
19 11, 1990 (P.L.433, No.106), is amended to read:

20 Section 401. Birth Registration: General Provisions.--(a) A  
21 certificate of each birth occurring in this Commonwealth shall  
22 be filed with the local registrar of the district in which the

1 birth occurs within a period prescribed by regulations of the  
2 Advisory Health Board. The certificate shall be prepared, signed  
3 and filed by the attending physician or licensed midwife, except  
4 that when there is no attending physician or licensed midwife  
5 the certificate shall be prepared, signed and filed (1) by the  
6 father, or (2) in the event of his death, disability or absence,  
7 by the mother, or (3) in the event of her death or disability,  
8 by the householder of the premises or superintendent of the  
9 institution in which the birth occurs, or (4) in the event of  
10 the absence or disability of all persons heretofore named, then  
11 by such person acquainted with the facts as the local registrar  
12 shall designate. The Social Security number or numbers of each  
13 parent shall be obtained and maintained separately by the  
14 department in a fashion that permits routine screened inquiries,  
15 unless there is good cause for not requiring the furnishing of  
16 such number or numbers in accordance with Federal regulations.  
17 This information is considered confidential and is to be made  
18 available only to Federal and State agencies responsible for  
19 establishing paternity or enforcing child support orders.

20 (b) Upon the birth of a child to an unmarried woman, an  
21 agent of the hospital or birthing center where the birth  
22 occurred shall:

23 (1) Provide the newborn's mother and natural father with an  
24 opportunity to complete an affidavit acknowledging paternity.  
25 The completed, signed and notarized affidavit shall be sent to  
26 the Department of Public Welfare. A second and third copy shall  
27 be given to the mother and natural father separately. This  
28 affidavit shall contain:

29 (i) A sworn, signed statement by the mother consenting to  
30 the assertion of paternity and stating that this is the only

1 possible father.

2 (ii) A signed, notarized statement by the father that he is  
3 the child's natural father.

4 (iii) A written explanation of the implications of and the  
5 parental duties and parental rights which arise from signing  
6 such a statement.

7 (iv) The Social Security numbers and addresses of both  
8 parents.

9 (2) Provide written information, furnished by the Department  
10 of Public Welfare to the mother, which explains the benefits of  
11 having her child's paternity established, the availability of  
12 paternity establishment services and the availability of child  
13 support enforcement agencies.

14 (c) The administrator or director of a hospital or birthing  
15 center who wilfully fails to comply with the provisions of this  
16 section commits a violation of this section and shall be subject  
17 to a civil penalty as provided in this subsection. The  
18 Department of Public Welfare shall have jurisdiction to  
19 determine violations of this section and may, following a  
20 hearing, assess a civil penalty of not more than two thousand  
21 five hundred dollars (\$2,500). The civil penalty shall be  
22 payable to the Commonwealth.

23 Section 2. This act shall take effect in 90 days.