

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1475 Session of 2021

INTRODUCED BY KRAJEWSKI, ROZZI, GUZMAN, BURGOS, KINSEY, D. WILLIAMS, FREEMAN, ISAACSON, DELLOSO, T. DAVIS, LEE, SANCHEZ, FIEDLER, MERSKI, CIRESI, N. NELSON, SIMS, FRANKEL, YOUNG, MADDEN, SHUSTERMAN, KINKEAD, BULLOCK, STURLA, WARREN, O'MARA, McCLINTON, RABB, SCHEMEL, RAPP AND BONNER, MAY 21, 2021

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 13, 2022

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," in records, providing for records, disclosure for
14 case management, further providing for records, ~~fees for~~ <--
15 ~~copies and providing for records, age to obtain copies.~~ AND <--
16 FOR FEES FOR COPIES.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The act of June 29, 1953 (P.L.304, No.66), known
20 as the Vital Statistics Law of 1953, is amended by adding a
21 section read:

22 Section 805.1. Records: Disclosure for Case Management.--(a)

1 ~~The department may disclose information or data from vital~~ <--
2 ~~statistics records or parts thereof to an individual or~~
3 ~~organization that provides case management services to foster~~
4 ~~youth, homeless youth or justice involved youth if the~~
5 ~~individual or organization shows identification and evidence of~~
6 ~~the individual's or organization's relationship with and~~
7 ~~services provided to the foster youth, homeless youth or justice~~
8 ~~involved youth. The individuals and organizations may include,~~
9 ~~but are not limited to, social service professionals, juvenile~~
10 ~~justice professionals, child welfare workers, community umbrella~~
11 ~~agencies and community based organizations providing case~~
12 ~~management services.~~ BEFORE OBTAINING VITAL STATISTICS RECORDS <--
13 ~~OR PARTS THEREOF ON BEHALF OF A FOSTER YOUTH, HOMELESS YOUTH OR~~
14 ~~JUSTICE INVOLVED YOUTH, A PERSON OR AN ORGANIZATION THAT~~
15 ~~PROVIDES CASE MANAGEMENT SERVICES TO A FOSTER YOUTH, HOMELESS~~
16 ~~YOUTH OR JUSTICE INVOLVED YOUTH, INCLUDING A SOCIAL SERVICE~~
17 ~~PROFESSIONAL, JUVENILE JUSTICE PROFESSIONAL, CHILD WELFARE~~
18 ~~WORKER, COMMUNITY UMBRELLA AGENCY OR COMMUNITY-BASED~~
19 ~~ORGANIZATION, SHALL PROVIDE PROOF OF A DIRECT INTEREST IN THE~~
20 ~~CONTENT OF THE RECORDS TO THE DEPARTMENT UNDER SECTION 804~~
21 ~~(RELATING TO RECORDS; DISCLOSURE OF OTHER RECORDS).~~

22 (B) THE SIGNATURE, PRESENCE OR PERMISSION FROM A PARENT OR
23 GUARDIAN SHALL NOT BE REQUIRED TO OBTAIN VITAL STATISTICS
24 RECORDS OR PARTS THEREOF FOR A FOSTER YOUTH, HOMELESS YOUTH OR
25 JUSTICE INVOLVED YOUTH UNDER SUBSECTION (A).

26 (C) A FOSTER YOUTH, HOMELESS YOUTH OR JUSTICE INVOLVED YOUTH
27 SHALL RETAIN OWNERSHIP OF THE VITAL STATISTICS RECORDS
28 INFORMATION AND DOCUMENTS OBTAINED ON THE YOUTH'S BEHALF BY A
29 PERSON OR AN ORGANIZATION UNDER SUBSECTION (A).

30 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT

1 A FOSTER YOUTH, HOMELESS YOUTH OR JUSTICE INVOLVED YOUTH FROM
2 OBTAINING COPIES OF THE YOUTH'S OWN VITAL STATISTICS RECORDS OR
3 PARTS THEREOF. THE SIGNATURE, PRESENCE OR PERMISSION FROM A
4 PARENT OR GUARDIAN SHALL NOT BE REQUIRED FOR A FOSTER YOUTH,
5 HOMELESS YOUTH OR JUSTICE INVOLVED YOUTH TO OBTAIN COPIES OF THE
6 YOUTH'S OWN VITAL STATISTICS RECORDS OR PARTS THEREOF.

7 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE
8 THE RIGHTS OF A PARENT OR GUARDIAN OF A YOUTH WHO DOES NOT MEET
9 THE DEFINITION OF FOSTER YOUTH, HOMELESS YOUTH OR JUSTICE
10 INVOLVED YOUTH UNDER SUBSECTION (F).

11 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THIS
12 SECTION SHALL APPLY TO A FOSTER YOUTH, HOMELESS YOUTH OR JUSTICE
13 INVOLVED YOUTH WHO IS SIXTEEN (16) OR SEVENTEEN (17) YEARS OF
14 AGE.

15 ~~(b)~~ (G) As used in this section, the following words and <--
16 phrases shall have the meanings given to them in this subsection
17 unless the context clearly indicates otherwise:

18 "Foster youth" shall mean an individual under ~~eighteen (18)~~ <--
19 WHO IS SIXTEEN (16) OR SEVENTEEN (17) years of age, or if a <--
20 court retains dependency jurisdiction under 42 Pa.C.S. § 6351(j)
21 (relating to disposition of dependent child) an individual up to
22 twenty-one (21) years of age, who is:

23 (1) under the care and responsibility of the Commonwealth
24 and is placed in foster care, as defined in 45 CFR 1355.20
25 (relating to definitions), under 42 Pa.C.S. § 6351 or 6352
26 (relating to disposition of delinquent child); or

27 (2) placed under a voluntary placement agreement under 55
28 Pa. Code § 3130.65 (relating to voluntary placement agreement).

29 "Homeless youth" shall have the same meaning as the term
30 ~~"unaccompanied youth"~~ "HOMELESS CHILDREN AND YOUTHS" under the <--

1 McKinney-Vento Homeless Assistance Act (Public Law 100-77, 101
2 Stat. 482), AS AMENDED, (42 U.S.C. § 11434A). <--

3 "Justice involved youth" shall mean an individual under <--
4 eighteen (18) WHO IS SIXTEEN (16) OR SEVENTEEN (17) years of age <--
5 AND who is alleged or adjudicated delinquent, incarcerated or <--
6 involved in the juvenile justice system. The term includes, but <--
7 is not limited to, an individual under eighteen (18) WHO IS <--
8 SIXTEEN (16) OR SEVENTEEN (17) years of age AND who is: <--

9 (1) detained or under community supervision by a juvenile
10 court;

11 (2) receiving counseling from a probation officer or court
12 counselor;

13 (3) residing in shelter care, as defined in 42 Pa.C.S. §
14 6302 (relating to definitions);

15 (4) residing in a place of detention under 42 Pa.C.S. § 6327
16 (relating to place of detention);

17 (5) residing in a juvenile detention center or facility, a
18 training school, a jail or a prison; or

19 (6) residing in a correctional facility, a residential
20 treatment center or a facility designed or operated for the
21 benefit of delinquent children, as defined in 42 Pa.C.S. § 6302.

22 Section 2. Section 807 of the act is amended by adding
23 ~~subsections~~ A SUBSECTION to read: <--

24 Section 807. Records: Fees for Copies.--* * *

25 (d) No fee shall be charged for certified copies of VITAL <--
26 STATISTICS records or parts of records THEREOF furnished to, OR <--
27 ON BEHALF OF, a foster youth, homeless youth or justice involved
28 youth UNDER SECTION 805.1. The signature or presence of or <--
29 permission from a parent or guardian shall not be required to
30 obtain the copies.

~~(e) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:~~

~~"Foster youth" shall mean an individual under eighteen (18) years of age, or if a court retains dependency jurisdiction under 42 Pa.C.S. § 6351(j) (relating to disposition of dependent child) an individual up to twenty one (21) years of age, who is:~~

~~(1) under the care and responsibility of the Commonwealth and is placed in foster care, as defined in 45 CFR 1355.20 (relating to definitions), under 42 Pa.C.S. § 6351 or 6352 (relating to disposition of delinquent child); or~~

~~(2) placed under a voluntary placement agreement under 55 Pa. Code § 3130.65 (relating to voluntary placement agreement).~~

~~"Homeless youth" shall have the same meaning as the term "unaccompanied youth" under the McKinney Vento Homeless Assistance Act (Public Law 100 77, 101 Stat. 482).~~

~~"Justice involved youth" shall mean an individual under eighteen (18) years of age who is alleged or adjudicated delinquent, incarcerated or involved in the juvenile justice system. The term includes, but is not limited to, an individual under eighteen (18) years of age who is:~~

~~(1) detained or under community supervision by a juvenile court;~~

~~(2) receiving counseling from a probation officer or court counselor;~~

~~(3) residing in shelter care, as defined in 42 Pa.C.S. § 6302 (relating to definitions);~~

~~(4) residing in a place of detention under 42 Pa.C.S. § 6327 (relating to place of detention);~~

~~(5) residing in a juvenile detention center or facility, a~~

1 ~~training school, a jail or a prison; or~~
2 ~~(6) residing in a correctional facility, a residential~~
3 ~~treatment center or a facility designed or operated for the~~
4 ~~benefit of delinquent children, as defined in 42 Pa.C.S. § 6302.~~

5 ~~Section 3. The act is amended by adding a section to read:~~

6 ~~Section 807.1. Records: Age to Obtain Copies. An individual~~
7 ~~twelve (12) years of age or older shall be eligible to apply for~~
8 ~~and obtain copies of vital statistics records or parts thereof.~~

9 ~~The signature or presence of or permission from a parent or~~
10 ~~guardian shall not be required to obtain the copies.~~

11 SECTION 3. THE FOLLOWING SHALL APPLY: <--

12 (1) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS
13 SECTION, THE DEPARTMENT OF HEALTH SHALL TRANSMIT A NOTICE TO
14 THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE
15 PENNSYLVANIA BULLETIN. THE NOTICE SHALL STATE ALL OF THE
16 FOLLOWING:

17 (I) THE REQUIREMENTS FOR A PERSON OR AN ORGANIZATION
18 TO PROVIDE PROOF OF DIRECT INTEREST UNDER THE ADDITION OF
19 SECTION 805.1(A) OF THE ACT.

20 (II) THE PROCEDURES AND FORMS FOR A PERSON OR AN
21 ORGANIZATION, INCLUDING A FOSTER YOUTH, HOMELESS YOUTH OR
22 JUSTICE INVOLVED YOUTH, TO QUALIFY FOR AND OBTAIN VITAL
23 STATISTICS RECORDS OR PARTS THEREOF WITHOUT FEE UNDER THE
24 ADDITION OF SECTION 807(D) OF THE ACT.

25 (III) THE REQUIREMENTS RELATING TO PRIVACY AND
26 PROTECTION OF VITAL STATISTICS RECORDS OR PARTS THEREOF,
27 INCLUDING PROTECTION FROM ACCESS, FOR A PERSON OR AN
28 ORGANIZATION OR A FOSTER YOUTH, HOMELESS YOUTH OR A
29 JUSTICE INVOLVED YOUTH.

30 (IV) ANY OTHER INFORMATION DEEMED NECESSARY BY THE

1 DEPARTMENT OF HEALTH.

2 (2) THE DEPARTMENT OF HEALTH SHALL TRANSMIT UPDATES FOR
3 THE NOTICE TO THE LEGISLATIVE REFERENCE BUREAU FOR
4 PUBLICATION IN THE PENNSYLVANIA BULLETIN AS DEEMED NECESSARY.

5 (3) THE DEPARTMENT OF HEALTH SHALL PUBLISH THE NOTICE
6 AND UPDATES TO THE NOTICE ON ITS PUBLICLY ACCESSIBLE INTERNET
7 WEBSITE.

8 Section 4. This act shall take effect in 60 days.