

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 313 (Cervantes)  
Version: March 26, 2025  
Hearing Date: April 29, 2025  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Vital records: birth certificates

**DIGEST**

This bill, as the author agreed to amend it in the Senate Health Committee, requires a child's parents' places of birth to be included on the confidential portion of the child's certificate of live birth, rather than on the primary portion.

**EXECUTIVE SUMMARY**

State law requires every child born in California to have a certificate of live birth, or birth certificate, completed by specified persons and submitted to the registrar of the county in which the child was born. The birth certificate has two portions: the main portion, which contains information such as the child's name, place of birth, and specific information about the child's parent or parents; and the confidential portion, which contains information collected by the state for demographic and research purposes. Under current law, the parents' places of birth are listed on the main portion of the birth certificate.

This bill, as the author has agreed to amend it in the Senate Health Committee, requires a child's parents' place of birth to be listed on the confidential portion of the child's birth certificate, rather than the primary portion. This change is intended to provide children born in California, and their parents, some measure of protection against attacks on their citizenship or right to reside in the United States.

This bill is sponsored by the author. The Committee has not received timely opposition to this bill. The Senate Health Committee passed this bill with a vote of 9-2.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Provides that all people are by nature free and independent and have inalienable rights, including pursuing and obtaining privacy. (Cal. Const., art. I, § 1.)
- 2) Requires every live birth to be registered with the local registrar of births and deaths for the district in which the birth occurred within 21 days following the date of the event. (Health & Saf. Code, § 102400.)
- 3) Requires the certificate of live birth to be completed and submitted to the registrar as follows:
  - a) For live births that occur in a hospital or state-licensed alternative birth center, the administrator of the hospital or center, or their representative, may complete and sign the birth certificate if the attending professional who assisted with the birth is not available; the administrator or representative is also responsible for registering the certificate with the local registrar within the time required. (Health & Saf. Code, § 102405.)
  - b) For live births that occur outside of a hospital or state-licensed alternative birth center, the professional who attended at the birth or, in the absence of an attending professional, one of the parents shall be responsible for entering the information on the certificate, securing the required signatures, and registering the certificate with the local registrar. (Health & Saf. Code, § 102415.)
- 4) Requires a certificate of a live birth for a birth occurring on or after January 1, 2016, to include specified information, including:
  - a) The full name and sex of the child.
  - b) Date of birth, including month, day, hour, and year.
  - c) Place of birth.
  - d) Full name, birthplace, and date of birth of each parent, including month, day, and year, and the parental relationship of the parent to the child.
  - e) Multiple births and birth order of multiple births.
  - f) Signature, and relationship to the child, of a parent or other informant, and date signed.
  - g) Name, title, and mailing address of the attending professional person, as specified.
  - h) Date accepted for registration and signature of the local registrar.
  - i) A state birth certificate number and local registration district and number.
  - j) A blank space for entry of the date of death with a caption reading "Date of Death." (Health & Saf. Code, § 102425(a).)

- 5) Requires, in addition to the items listed in 4), the certificate of live birth to contain the following medical and social information, provided that the information is kept confidential pursuant to 8) and 9), below, and is clearly labeled "Confidential Information for Public Health Use Only:"
  - a) Birth weight.
  - b) Pregnancy history.
  - c) Race and ethnicity of the mother and any other parent.
  - d) Residence of the birth mother.
  - e) A blank space for entry of census tract for the birth mother's address.
  - f) Date of the first prenatal care visit, the number of prenatal care visits, and commencing January 1, 2007, the date of the last prenatal care visit.
  - g) Date of the last normal menses and, commencing January 1, 2007, the obstetric estimate of completed weeks of gestation at delivery.
  - h) Description of complications and procedures of pregnancy and concurrent illnesses, congenital malformation, and any complication or procedure of labor and delivery, including surgery, provided that this information is essential medical information and appears in total on the face of the certificate.
  - i) Commencing January 1, 2007, hearing screen results.
  - j) The occupation of the mother and father or parent and kind of business or industry.
  - k) Education level of the mother and father or parent.
  - l) Principal source of payment for prenatal care, as specified.
  - m) Expected principal source of payment for delivery, as specified.
  - n) An indication of whether or not the child's parent desires the automatic issuance of a social security number to the child.
  - o) On or after January 1, 1995, the social security of the mother and father or parent, unless the parent has good cause for not disclosing their social security number, as defined by regulations adopted by the Department of Child Support Services (DCSS). (Health & Saf. Code, § 102425(b), (d).)
- 6) Provides that the information regarding a parent's race and ethnicity, occupation, and education level shall not be included in a certificate of live birth if the parent objects. (Health & Saf. Code, § 102425(c).)
- 7) Provides that access to the confidential portion of the certificate of live birth shall be limited to the following:
  - a) The Department of Public Health (DPH).
  - b) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively.
  - c) The county coroner.
  - d) Persons with a valid scientific interest, as determined by the State Registrar, who are engaged in specified health-related studies and agree to maintain confidentiality, as provided.

- e) The parent who signed the certificate.
  - f) The person named on the certificate.
  - g) A person who has petitioned to adopt the person named on the certificate.
  - h) Specified state departments requesting the information for official government business purposes deemed appropriate by the State Registrar.
  - i) The birth hospital responsible for preparing and submitting a record of the birth, for purposes of reviewing and correcting records. (Health & Saf. Code, § 102430(a).)
- 8) Requires DPH to maintain an accurate record of all persons who are given access to the confidential portion of certificates of live birth, including specified information. The records of access shall be open to public inspection during DPH's normal operating hours. (Health & Saf. Code, § 102430(b).)
- 9) Provides that a parent's social security number contained on the confidential portion of a certificate of live birth shall be assessable to DCSS and local child support agencies for the purposes of operating the Child Support Enforcement Program, as specified under federal law. (Health & Saf. Code, § 102447.)

This bill, as the author agreed to amend it in the Senate Health Committee:

- 1) Provides that a child's parents' places of birth shall be included on the confidential portion of the child's birth certificate, rather than on the public portion.
- 2) Makes nonsubstantive technical and conforming changes.

### COMMENTS

#### 1. Author's comment

According to the author:

The birth certificate is often one of the first legal documents a person acquires, and its significance is sometimes overlooked. In the United States, birth certificates serve as proof of an individual's age, citizenship status, and identity. They are essential for obtaining a Social Security number, applying for a passport, enrolling in schools, getting a driver's license, securing employment, or applying for other benefits. Birth Certificates include sensitive information of a child's parents, including their place of birth. However, CDPH, notes that the bottom portion of the certificate, containing "Confidential Information for Public Health Use," is typically not included on routine copies unless specifically requested by the person named on the certificate, the parent who signed it, or, if no parent signed, the mother. Unfortunately, parent birthplace is not confidential information. The current federal administration, attempted by executive order, to

deny citizenship to children born not only to undocumented parents, but to anyone with one parent who is either undocumented or is in the U.S. on a temporary visa or stay.

The right to citizenship is fundamentally important in American law, often described as a precious right. This status is not merely a privilege but a vital aspect of individual identity and rights within the nation. Consequently, it cannot be arbitrarily shifted, canceled, or diluted by the Federal Government, state governments, or any other governmental entities. Such a safeguard underscores the belief that citizenship carries with it a set of inherent rights and responsibilities that should remain protected from the whims of political entities. This principle ensures that every citizen maintains their status and the associated rights as a core element of American democracy.

SB 313 does not take away the authority of the Department of Health or the Office of Vital Records to authenticate any documents presented by applicants nor does it aim to reform birth certificates.

However, it does ensure the confidentiality of the parentage country of origin by designating it as confidential under the law, similar to other types of sensitive information that are already protected.

Senate Bill 313 requires the California Department of Public Health, upon an individual's birth in the U.S. to remove the parents' birthplace from the informational portion of the birth certificate, and include that information in the confidential portion of the document. This change aims to enhance the privacy of families by keeping personal information secure and away from public access. Although the practice of information sharing is not new, the implications of the lack of protection of personal information could be far-reaching, particularly in the context of increased scrutiny over personal data. No entity, should infringe upon privacy rights and confidentiality standards, it becomes increasingly crucial to prioritize the protection of sensitive personal information. Individuals must remain vigilant about how their data is shared and utilized, as any breach could have serious implications for their privacy and security. Ensuring robust safeguards and policies is essential in this evolving landscape, to maintain trust and protect the rights of individuals in an era where personal information is more vulnerable than ever.

## 2. Background on the format of California's certificate of live birth

A certificate of live birth, also known as a birth certificate, must be completed and submitted to the county registrar for every child born in California.<sup>1</sup> The birth certificate must be completed by the designated staff at the hospital or alternative

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<sup>1</sup> Health & Saf. Code, § 102400.

birthing center at which the child was born, or, if the child was not born at one of those locations, by the attending medical professional or one of the parents.<sup>2</sup>

The Health and Safety Code prescribes what information must be included on the main, or public-facing, portion of the birth certificate, including:

- The child's name.
- The date and time of the child's birth.
- The place of the child's birth.
- The full names of the parent or parents, their birthdates, and their places of birth.
- Whether the birth was a multiple birth, and the birth order.
- The name and signature of the person who assisted with the birth.<sup>3</sup>

In addition to the above, California also requires the completion of what is known as the "confidential portion" of the birth certificate, which includes personal data about the child and parents collected for demographic and research purposes. Information listed on the confidential portion of the birth certificate includes:

- The child's birth weight.
- The birthing parent's pregnancy history and prenatal medical appointment schedule, if any.
- A description of any complications experienced during the pregnancy or in connection with the birth.
- The parents' race and ethnicity, occupations, and educational level, unless they decline to provide that information.
- The principal source of payment for any prenatal care and the anticipated source of payment for the birth.
- An indication of whether or not the child's parent desires the automatic issuance of a social security number to the child.<sup>4</sup>

The confidential portion of the birth certificate is not a public record, and only specified entities are permitted to view the confidential portion or obtain a copy, including:

- The Department of Public Health.
- Approved local registrar or local department of public health staff.
- The person named in the certificate.
- The parent(s) who signed the certificate.
- Specified state departments requesting the information for official government business purposes deemed appropriate by the State Registrar.
- Persons with a valid scientific interest, as determined by the State Registrar, who are engaged in specified health-related studies and agree to maintain confidentiality, as provided.<sup>5</sup>

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<sup>2</sup> *Id.*, §§ 102405, 102415.

<sup>3</sup> *Id.*, § 102425(a).

<sup>4</sup> *Id.*, § 102425(b), (c).

<sup>5</sup> *Id.*, § 102430(a).

### 3. Birthright citizenship and Executive Order 14160

The first sentence of the Fourteenth Amendment, ratified in 1868, states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”<sup>6</sup> In 1898, the United States Supreme Court affirmed, in *United States v. Wong Kim Ark* that the Fourteenth Amendment extended birthright citizenship to virtually every person born in the United States.<sup>7</sup> The Court explained:

The fourteenth amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The amendment, in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons, of whatever race or color, domiciled within the United States. Every citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States. His allegiance to the United States is direct and immediate, and, although but local and temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord Coke in Calvin's Case, 7 Coke, 6a, “strong enough to make a natural subject, for, if he hath issue here, that issue is a natural-born subject”; and his child, as said by Mr. Binney in his essay before quoted, “If born in the country, is as much a citizen as the natural-born child of a citizen, and by operation of the same principle.”<sup>8</sup>

*Wong Ark Kim* has been the law of the land for 127 years.

On January 20, 2025, President Donald Trump signed Executive Order 14160 (the Order), entitled “Protecting the Meaning and Value of Citizenship.”<sup>9</sup> The Order notes that the Fourteenth Amendment “has always excluded from birthright citizenship persons who were born in the United States but not ‘subject to the jurisdiction thereof,’ ” but then goes on to advance a “meaning” of the Fourteenth Amendment which directly contradicts *Wong Ark Kim*.<sup>10</sup> Specifically, the order asserts the novel theory that:

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<sup>6</sup> U.S. Const. 14th amend, § 1.

<sup>7</sup> *United States v. Wong Kim Ark* (1898) 169 U.S. 649, 652.

<sup>8</sup> *Id.* at p. 693.

<sup>9</sup> Exec. Order No. 14160 (Jan. 20, 2025) 90 Fed. Reg 8449.

<sup>10</sup> *Ibid.*

Among the categories of individuals born in the United States and not subject to the jurisdiction thereof, the privilege of United States citizenship does not automatically extend to persons born in the United States: (1) when that person's mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States at the time of said person's birth was lawful but temporary (such as, but not limited to, visiting the United States under the auspices of the Visa Waiver Program or visiting on a student, work, or tourist visa) and the father was not a United States citizen or lawful permanent resident at the time of said person's birth.<sup>11</sup>

The Order goes on to announce that it is the policy of the United States that no department or agency should issue documents recognizing U.S. citizenship for persons born within the United States, after 30 days from the date of the order, under the circumstances identified above.<sup>12</sup>

California, along with 18 other states, the City and County of San Francisco, and the District of Columbia, sued to enjoin Executive Order 14160 the next day.<sup>13</sup> Judge Leo T. Sorokin granted the injunction motion, staying enforcement of the Order nationwide.<sup>14</sup> Judge Sorokin's order notes that *Wong Kim Ark* plainly extends birthright citizenship to all persons born here with only a handful of "narrow exceptions," none of which is consistent with the Executive Order.<sup>15</sup> The order also points out that "Congress incorporated the language of the [Fourteenth Amendment's] Citizenship Clause into provisions of the [Immigration and Naturalization Act] passed more than forty years after *Wong Kim Ark*" was decided.<sup>16</sup> The United States Court of Appeals for the First Circuit denied the Trump Administration's request for a stay of the injunction pending their appeal.<sup>17</sup> At least three other federal district courts have also enjoined Executive Order 14160 on the basis that it is unconstitutional.<sup>18</sup> The Trump Administration has

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<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> See City Attorney of San Francisco, Press Release: San Francisco City Attorney and Attorneys General file suit to protect birthright citizenship (Jan. 21, 2025), <https://www.sfcityattorney.org/2025/01/21/san-francisco-city-attorney-and-attorneys-general-file-suit-to-protect-birthright-citizenship/>.

<sup>14</sup> *Doe v. Trump* (D.Mass., Feb. 13, 2025) – F. Supp.3d –, 2025 WL 485070, 2.

<sup>15</sup> *Id.* at pp. 8-11.

<sup>16</sup> *Id.* at p. 10.

<sup>17</sup> *New Jersey v. Trump* (1st Cir. 2025) 131 F.th 27, 33.

<sup>18</sup> See *New Hampshire Indonesian Community Support v. Trump* (D.N.H. Feb. 11, 2025) – F.Supp.3d –, 2025 WL 457609 (granting motion for preliminary injunction filed by several nonprofit groups); *State v. Trump* (W.D. Wash. Feb. 6, 2025) – F.Supp.3d –, 2025 WL 415165 (granting motion for preliminary injunction filed by Washington, Arizona, Illinois, and Oregon), *emergency mot. for partial stay denied in Washington v. Trump* (9th Cir. Feb. 19, 2025) 2025 WL 553485; *CASA, Inc. v. Trump* (D. Md, Feb. 5, 2020) – F.Supp.3d –, 2025 WL 408636 (granting motion for preliminary injunction filed by CASA, Inc. and Asylum Seeker Advocacy Project), *motion for stay pending appeal denied in CASA, Inc. v. Trump* (4th Cir. Feb. 28, 2025) 2025 WL 654902.



sought emergency stays in the United States Supreme Court; the Court has consolidated three of the matters, and they are set for oral argument on May 15, 2025.<sup>19</sup>

3. This bill, as the author has agreed to amend it, requires a child's parents' places of birth to be recorded on the confidential portion, rather than the main portion, of a birth certificate

As currently in print, this bill requires a statement regarding birthright citizenship to be added to the main portion of the birth certificate. The author, however, agreed in the Senate Health Committee to amend the bill to (1) remove that provision and the related findings and declarations, and (2) require that the parents' place of birth be listed on the confidential portion, rather than the main portion, of the birth certificate. The Health Committee's hearing schedule did not allow the amendments to be processed in time for this Committee to hear the bill as amended, so this Committee will pass the bill with the amendments that the author agreed to take in the Senate Health Committee.

The author's goal for the amended bill is to protect persons who may be the target of the Trump Administration's attacks on birthright citizenship. Even if Executive Order 14160 is allowed to stand – contrary to over 125 years of precedent – the fact that a child's parent was born in another country would not establish that the child is not an American citizen. If, for example, the parent was naturalized before the child was born, the child would still be a citizen under Executive Order 14160. Nevertheless, it is conceivable that Administration officials could use the parent's place of birth listed on a child's birth certificate to target the child, the parent, or both, for deportation, incarceration, or other consequences. Furthermore, given this Administration's apparent willingness to deport lawful residents with no due process,<sup>20</sup> persons with foreign-born parents listed on their birth certificates could have reason to fear even if the Supreme Court holds that Executive Order 14160 is unconstitutional.

SB 313 will not help persons with existing birth certificates, but for persons born here going forward, it may provide a measure of protection against too-hasty or bad-faith assumptions about the person's citizenship, or that of their parents. In doing so, this

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<sup>19</sup> See *Trump v. Washington*, Docket No. 25-807,

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/24a885.html>;

*Trump v. CASA, Inc.*, Docket No. 25-1153,

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/24a884.html>;

*Trump v. New Jersey*, Docket No. 25-1170,

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/24a886.html>.

All links in this analysis are current as of April 24, 2025.

<sup>20</sup> E.g., *Abrego Garcia v. Noem* (4th Cir. Apr. 17, 2025) 25 WL 1135112, \*1 (“It is in some cases to get to the very heart of the matter. But in this case, it is not hard at all. The government is asserting a right to stash away residents of this county in foreign prisons without the semblance of due process that is the foundation of our constitutional order. Further, it claims in essence that because it has rid itself of custody, there is nothing that can be done. This should be shocking not only to judges, but to the intuitive sense of liberty that Americans far removed from courthouses still hold dear.”).

bill creates an exception to the general public right of access to documents;<sup>21</sup> however, this exception appears reasonable in light of the constitutional right to privacy<sup>22</sup> and the potential threats that Californians with foreign-born parents may face if this information is public.

Committee staff are not aware of any unintended negative consequences that would arise from moving the parents' places of birth to the confidential portion of the birth certificate; for example, a passport application does not require proof of the parents' place of birth.<sup>23</sup> The parents, the child, and any person who has petitioned to adopt the child can obtain a copy of the confidential portion of the birth certificate, so official proof of the parents' place of birth will still be available to the child and their birth or adopted parents if needed.<sup>24</sup> The author has also pledged to continue reaching out to stakeholders to ensure that this bill will not inadvertently harm children born in this state.

### **SUPPORT**

None received

### **OPPOSITION**

None received

### **RELATED LEGISLATION**

#### **Pending legislation:**

SR 32 (Wahab, 2025) sets forth the Senate's opposition to Executive Order No. 14160, which purports to end birthright citizenship in the United States, affirms the Senate's commitment to birthright citizenship, and honors Wong Kim Ark's fight for legal recognition of birthright citizenship under the Fourteenth Amendment to the United States Constitution.

AB 64 (Pacheco, 2025) allows the State Registrar, subject to an appropriation of funds, to require the use of a diacritical mark on an English letter on vital records, including birth certificates. AB 64 is pending before the Senate Appropriations Committee.

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<sup>21</sup> Cal. Const., art. I, § 3 (b)(1).

<sup>22</sup> *Id.*, art. I, § 1.

<sup>23</sup> See United States Department of State, U.S. Passports, Citizenship evidence, <https://travel.state.gov/content/travel/en/passports/how-apply/citizenship-evidence.html>. Even if proof of parents' place of birth were required, it is not clear that the listing on the birth certificate would be sufficient; it does not appear that anyone verifies a parent's stated place of birth that is included on their child's birth certificate.

<sup>24</sup> See Welf. & Inst. Code, § 102430(a).

Prior legislation:

AB 2156 (Pacheco, 2024) was substantially similar to AB 64 (Pacheco, 2025), except without the condition of an appropriation of funds. AB 2156 died in the Assembly Appropriations Committee.

AB 77 (Pacheco, 2023) was substantially similar to AB 2156 (Pacheco, 2024). AB 77 died in the Assembly Appropriations Committee.

AB 785 (Bloom, Ch. 539, Stats. 2019) modified the provisions surrounding who may be listed as a parent on a birth certificate when the child was born through assisted reproduction.

AB 15 (Nazarian, 2019) would have required a birth certificate to include the email address and cell phone number of each parent in the confidential portion of the birth certificate. AB 15 died in the Senate Rules Committee.

**PRIOR VOTES:**

Senate Health Committee (Ayes 9, Noes 2)

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