July 7, 2017

The Honorable Jose Medina

California State Assembly

State Capitol, Room 2141

Sacramento, CA 95814

**RE: OPPOSE POSITION ON ASSEMBLY BILL (AB) 82**

Dear Assemblymember Medina:

The California Department of Public Health (CDPH) has reviewed AB 82, and must respectfully take the position of Oppose on this measure. This bill requires CDPH to record a diacritical mark on an English letter on a certificate of live birth, certificate of fetal death, death certificate, or marriage license. The bill specifies that diacritical marks include, but are not limited to, accents (é), tildes (ñ), graves (è), umlauts (ö), and cedillas (ç). The bill specifies that absence of a diacritical mark on a birth, death, fetal death, or marriage certificate shall not render the document invalid or affect the validity of any previously filed document.

The inclusion of diacritical marks on vital records certificates is inconsistent with federal law. The bill creates inconsistencies and incompatibilities with identification documents issued by federal agencies that do not allow diacritical marks on federal records or systems. As written, this bill would allow any type of mark, including marks that cannot be entered on computers/systems in use by hospitals, funeral homes, local registrars, and County Clerks that prepare the vital records. This lack of clarity would likely increase inaccuracies not only in data entry but ultimately in identification of individuals.

Certificates of birth and death, as well as data collected when birth and death records are being completed, are utilized by federal agencies such as the U.S. Department of State’s Passport Services and the Social Security Administration (SSA). Passports use Roman letters and in rare instances Roman numerals to denote certain suffixes when they are present on citizenship evidence and current identification. When applications include diacritical marks, passports convert diacritical marks to their nearest Roman letter equivalent, which could lead to additional errors in the name of the applicant when vital records documents containing diacritical marks are translated into passport format.

In addition, CDPH participates in the SSA Enumeration at Birth Program, which allows parents whose child was born in a California hospital to request a Social Security card at the time the birth certificate is created in the hospital. Birth certificate data is currently entered into the Automated Vital Statistics System (AVSS) by a local hospital birth clerk.

Should AB 82 be enacted allowing diacritical marks on vital records, the data sent directly to SSA for the Enumeration at Birth Program would be incompatible with SSA computer systems.

To comply with AB 82 as well as continue to meet state and federal vital record data requirements, CDPH would be required to reprogram several statewide vital records registration systems, including AVSS, EBRS, the Electronic Death Registration System (EDRS) and the Fetal Death Registration System (FDRS).

CDPH is responsible for providing data to the Department of Motor Vehicles (DMV) for identification of deceased registered drivers. DMV systems do not support diacritical marks, so the data sent by CDPH to DMV on deceased individuals would not be compatible with DMV systems.

CDPH provides data to Department of Health Care Services (DHCS) for program eligibility verification, audits and investigations, and other program evaluation and monitoring. DHCS systems do not support diacritical marks. In addition, the Health Insurance Portability and Accountability Act (HIPAA) standards for online Medi-Cal transactions do not allow diacritical marks.

County Clerks are responsible for issuing marriage licenses. As CDPH does not issue marriage licenses, there is no state marriage registration system. Each County Clerk chooses their own system and vendor to issue marriage licenses. A reprogramming estimate of $200,000 per county was provided with an estimated cost of $11,600,000 for all 58 County Clerks to issue marriage licenses with diacritical marks.

For these reasons, CDPH must take the position of Oppose on the bill. Please do not hesitate to contact me if you have any questions at (916) 440-7502.

Sincerely,

Monica Wagoner

Deputy Director

Legislative and Governmental Affairs

California Department of Public Health

cc: Senate Health Committee, Members

Senate Minority Caucus

CHHSA Legislative Unit

Donna Campbell, Deputy Legislative Secretary, Governor’s Office

Department of Finance