**A** **BILL**

TO AMEND SECTION 44‑63‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE RIGHT OF ADULT ADOPTED PERSONS TO ACCESS THEIR ORIGINAL BIRTH CERTIFICATES IN CERTAIN CIRCUMSTANCES, SO AS TO APPLY RETROACTIVELY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑63‑140(1)(b), of the 1976 Code, as last amended by Act 241 of 2018, is further amended to read:

“(b)(i) The original birth certificate and the evidence of adoption are not subject to inspection, except upon order of a court of competent jurisdiction or as provided in this subitem. ~~However,~~

(ii) A person eighteen years of age or older who was born in the State of South Carolina and who has had his original certificate of birth sealed due to an adoption may, upon written request to the state registrar, receive a copy of his original birth certificate and any evidence of the adoption held with the original record, regardless of the date on which the adoption was finalized, if:

(A) the biological parent has completed a form consenting to the release of the original birth certificate or has provided notarized written consent to the release of the original birth certificate; or

(B) the department or an office of vital records in another jurisdiction certifies that the biological parent is deceased.

This provision allows adult adopted persons to access a copy of their original birth certificate and accompanying evidence of adoption with the consent of the biological parent, or if the biological parent is deceased, and applies retroactively, regardless of the date on which the adoption was finalized.

(iii) The form referenced in subitem (b)(ii) also must allow for the biological parent to indicate contact preference and to consent to release of medical history pursuant to item (1)(c). The copy of the original birth certificate must be in a form that clearly indicates it is not a certified copy and that it may not be used for legal purposes. All procedures, fees, and waiting periods applicable to nonadopted citizens born in the State of South Carolina seeking copies of certificates of birth apply.”

SECTION 2. This act takes effect upon approval by the Governor.

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