AN ACT

To repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to the Missouri adoptee rights act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 193.128, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.128, to read as follows:

193.128. 1. The provisions of section 193.125 and this section shall be known and may be cited as the “Missouri Adoptee Rights Act”.

2. Notwithstanding section 453.121 to the contrary, an adopted person or the adopted person’s attorney may obtain a copy of such adopted person’s original certificate of birth from the state registrar in accordance with this section.

3. In order for an adopted person to receive a copy of his or her original certificate of birth, the adopted person shall:

   (1) Be at least eighteen years of age;
   (2) Have been born in this state; and
   (3) File a written application with and provide appropriate proof of identification to the state registrar.

4. The state registrar may require a waiting period and impose a fee for issuance of the uncertified copy under subsection 5 of this section. The fees and waiting period imposed under this subsection shall be identical to the fees and waiting period generally imposed on nonadopted persons seeking their own certificates of birth.

5. Upon receipt of a written application and proof of identification under subsection 3 of this section and fulfillment of the requirements of subsection 4 of this section, the state registrar shall issue a copy of such adopted person’s original certificate of birth.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
6. A birth parent or adoptee may, at any time, request from the state registrar a contact preference form that shall accompany the original birth certificate of an adopted person. The birth parent shall provide appropriate proof of identification to the state registrar. The contact preference form shall include the following options:

   (1) “I would like to be contacted”;
   (2) “I prefer to be contacted by an intermediary”; and
   (3) “I prefer not to be contacted”.

A contact preference form may be updated by a birth parent or adoptee at any time upon the request of the birth parent or adoptee. A contact preference form completed by a birth parent or adoptee at the time of the adoption and forwarded to the state registrar by the clerk of the court shall accompany the original birth certificate of the adopted person and may be updated by the birth parent or adoptee at any time upon the request of the birth parent or adoptee.

7. If both birth parents indicate on the contact preference form that they would prefer not to be contacted, a copy of the original birth certificate of the adopted person shall not be released. If only one birth parent indicates on the contact preference form that he or she would prefer not to be contacted, his or her identifying information shall be redacted from a copy of the original birth certificate of the adopted person and the copy of the original birth certificate shall be released under the provisions of this section. Such information shall only be redacted for one year from the date of relinquishment.

8. A birth parent may, at any time, request a medical history form from the state registrar and the state registrar shall provide a medical history form to any birth parent who requests a contact preference form. The medical history form shall include the following options:

   (1) “I am not aware of any medical history of any significance”;
   (2) “I prefer not to provide any medical information at this time”; and
   (3) “I wish to give the following medical information”.

A medical history form may be updated by a birth parent at any time upon the request of the birth parent.

9. A contact preference form or a medical history form received by the state registrar shall be placed in a sealed envelope upon receipt from the birth parent and shall be considered a confidential communication from the birth parent to the adopted person. The sealed envelope...
shall only be released to the adopted person requesting his or her own original birth certificate
under the provisions of this section.

10. If a birth parent indicates on the contact preference form that he or she would prefer
not to be contacted, the adopted person shall have access to a copy of the medical history form
with the identifying information of such birth parent redacted. Such information shall only be
redacted for one year from the date of relinquishment.

11. Upon proof that an adopted person is deceased, his or her descendants shall
have the right to obtain a copy of the adopted person’s original birth certificate and
accompanying contact preference form and medical history form under the provisions of
this section.

12. The cost of a contact preference form shall not exceed the cost of obtaining an
original birth certificate. There shall be no charge for a medical history form.

13. Beginning August 28, 2016, there shall be a public notification period to allow
time for birth parents to file a contact preference form. Beginning January 1, 2018, original birth
certificates shall be issued under the provisions of this section. An adopted person born prior
to 1941 shall be given access to his or her original birth certificate beginning August 28, 2016.

14. The state registrar shall develop by rule the application form required by this
section and may adopt other rules for the administration of this section. Any rule or portion of
a rule, as that term is defined in section 536.010, that is created under the authority delegated in
this section shall become effective only if it complies with and is subject to all of the provisions
of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
and if any of the powers vested with the general assembly under chapter 536 to review, to delay
the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall
be invalid and void.