
By: Delegates Grosfeld and Marriott

Introduced and read first time: January 25, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vital Statistics - Certificate of Birth - Reissue After a Change of Sex**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene, upon receipt
4 of a court order and on request of a certain individual, to issue a new certificate of
5 birth for a certain individual born in this State whose sex has been changed by a
6 certain surgical procedure, which certificate shall contain the individual's correct
7 sex and, if ordered by a court, correct name; requiring the Department of Health
8 and Mental Hygiene to retain and seal the individual's original certificate of birth,
9 certain evidence upon which the order to issue a new certificate of birth is based,
10 and related documents and to unseal them only under certain circumstances;
11 requiring the Department to disclose information that is stored on certain electronic
12 media about the issuance of a new certificate of birth only under certain
13 circumstances; making a stylistic change; and generally relating to the issuance of a
14 certificate of birth to an individual whose sex has been changed by surgical
15 procedure.

16 BY repealing and reenacting, without amendments,
17 Article - Health - General
18 Section 4-214(a)
19 Annotated Code of Maryland
20 (1994 Replacement Volume and 1995 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Health - General
23 Section 4-214(b)
24 Annotated Code of Maryland
25 (1994 Replacement Volume and 1995 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

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1 **Article - Health - General**

2 4-214.

3 (a) A certificate or record registered under this subtitle may be amended only in
4 accordance with this subtitle and any rules and regulations that the Secretary adopts to
5 protect the integrity and accuracy of vital records.

6 (b) (1) [If] SUBJECT TO THE PROVISIONS OF PARAGRAPH (5) OF THIS
7 SUBSECTION, [any] IF A certificate of birth, death, or fetal death is amended, the facts
8 shall be certified to the Secretary and entered on the original certificate with the date of
9 the amendment, over the signature or initials of a designee of the Secretary and with a
10 line drawn through the original data.

11 (2) [All] SUBJECT TO THE PROVISIONS OF PARAGRAPH (5) OF THIS
12 SUBSECTION, amendments may be stored on electronic media approved by the Secretary

13 (3) [All] SUBJECT TO THE PROVISIONS OF PARAGRAPH (5) OF THIS
14 SUBSECTION, copies of certificates that are amended shall contain a notation that an
15 amendment has been made.

16 (4) [A] SUBJECT TO THE PROVISIONS OF PARAGRAPH (5) OF THIS
17 SUBSECTION, A record shall be maintained which identifies the evidence upon which the
18 amendment was based, the date of the amendment, and the identity of the person making
19 the amendment.

20 (5) (I) Upon receipt of a certified copy of an order of a court of
21 competent jurisdiction indicating the sex of an individual born in this State has been
22 changed by surgical procedure and ON REQUEST OF THE INDIVIDUAL, whether such
23 individual's name has been changed, the Secretary shall [amend the] ISSUE A NEW
24 certificate of birth [of] FOR the individual INCLUDING THE CORRECT SEX AND, IF
25 ORDERED BY A COURT, THE CORRECT NAME OF THE INDIVIDUAL as prescribed by
26 regulation.

27 (II) THE DEPARTMENT SHALL RETAIN AND SEAL THE ORIGINAL
28 CERTIFICATE OF BIRTH, ALL EVIDENCE UPON WHICH THE ORDER TO ISSUE A NEW
29 CERTIFICATE OF BIRTH UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS BASED,
30 AND ANY OTHER RELATED DOCUMENTS.

31 (III) THE DEPARTMENT MAY UNSEAL THE MATERIAL SEALED
32 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR DISCLOSE INFORMATION
33 STORED ON ELECTRONIC MEDIA ABOUT A CERTIFICATE OF BIRTH ISSUED UNDER
34 THIS PARAGRAPH ONLY UNDER AN ORDER OF A COURT OF COMPETENT
35 JURISDICTION OR WITH THE PERMISSION OF THE INDIVIDUAL.

36 (6) When an informant does not submit the minimum documentation
37 required in the regulations for amending a vital record or when the Secretary has cause to
38 question the validity or adequacy of the applicant's sworn statements or the documentary
39 evidence, and if the deficiencies are not corrected, the Secretary shall not amend the vital
40 record and shall advise the applicant of the reason for this action and shall further advise
41 the applicant of the right of appeal to the Office of Administrative Hearings.

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1 (7) Any amendments to death certificates requested beyond 3 years or more
2 after the death shall require a court order.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1996.