
By: Chairman, Environmental Matters Committee (Departmental - Archives, Maryland State)

Introduced and read first time: February 14, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

2 **Vital Records**

3 FOR the purpose of altering certain definitions pertaining to certain vital records;
4 altering certain disclosure provisions concerning certain vital records; and generally
5 relating to vital records.

6 BY repealing and reenacting, with amendments,
7 Article - State Government
8 Section 9-1015
9 Annotated Code of Maryland
10 (1993 Replacement Volume and 1995 Supplement)

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

13 **Article - State Government**

14 9-1015.

15 (a) (1) In this section the following words have the meanings indicated[:].

16 (2) "CERTIFIED OR ABRIDGED COPY" MEANS A COPY OF A RESTRICTED
17 VITAL RECORD THAT CONTAINS ONLY THE PERSONAL INFORMATION THAT
18 APPEARS ON THE CERTIFICATE OF BIRTH AND DOES NOT INCLUDE ANY
19 CONFIDENTIAL MEDICAL INFORMATION APPEARING ON THE CERTIFICATE.

20 [(1)] (3) "Department" means the Department of Health and Mental
21 Hygiene.

2

1 [(2)] (4) "Extract" means the following information from a [recent]
2 RESTRICTED vital record:

- 3 (i) full names;
- 4 (ii) BIRTHPLACES, [occupations] OF PARENTS; AND
- 5 (iii) [places of residence;
- 6 (iv)] date and place of birth[, marriage, divorce] or death
- 7 [(v) family relationships as stated in the record; and
- 8 (vi) name and relationship of the informant].

9 (5) "FILE" MEANS TO PRESENT FOR REGISTRATION AT THE
10 DEPARTMENT ANY CERTIFICATE OF BIRTH, DEATH, ADOPTION, MARRIAGE,
11 DIVORCE, OR ANNULMENT.

12 [(3)] (6) ["Old] "UNRESTRICTED vital record" means a record in the
13 custody of the Archives, including one obtained from the Department by the Archives,
14 that pertains to a birth that occurred more than 100 years [ago,] PRIORTO THE
15 REQUEST FOR THE RECORD, OR to [a] ANY marriage LICENSE, [or] TO A REPORT
16 OF ABSOLUTE DIVORCE OR ANNULMENT OF MARRIAGE [divorce that occurred more
17 than 60 years ago], or to a death that occurred more than [20] 10 years[ago] PRIOR TO
18 THE REQUEST FOR THE RECORD.

19 [(4)] (7) ["Recent birth, marriage or divorce record"] "RESTRICTED
20 VITAL RECORD" means a CERTIFICATE OF BIRTH [record in the custody of the
21 Archives, including one obtained from the Department by the Archives,] that pertains to
22 a birth that occurred [within the last] FEWER THAN 100 years PRIOR TO THE REQUEST
23 FOR THE RECORD or [a marriage or divorce that occurred within the last 60 years.

24 (5) "Recent death record" means a record in the custody of the Archives,
25 including one obtained from the Department by the Archives, that pertains] to a death
26 that occurred [within the last 20] FEWER THAN ~~5~~ 10 years PRIOR TO THE REQUEST
27 FOR THE RECORD.

28 [(6)] "Recent vital record" means either a "recent birth, marriage or divorce
29 record" or a "recent death record".]

30 [(7)] (8) "Vital record" means a record OF BIRTH, DEATH, MARRIAGE,
31 ABSOLUTE DIVORCE, OR MARRIAGE ANNULMENT REQUIRED BY LAW TO BE FILED
32 WITH [in the custody of the Archives, including one obtained from] the Department[,
33 which pertains to a birth, marriage, divorce or death].

34 [(8)] "Record" means a copy or the original record.]

35 (b) Upon request of the Archives, the Department shall provide the Archives with
36 vital records and indexes of vital records that are in the custody of the Department.

37 (c) Vital records and indexes may be copied by the Archivist in any manner.

3

1 (d) (1) Upon request, the Archives may only disclose and provide copies of vital
2 records to:

3 (i) an individual who is lawfully entitled UNDER § 4-217(B)(1) OF THE
4 HEALTH - GENERAL ARTICLE to obtain a CERTIFIED OR ABRIDGED COPY OF A
5 RESTRICTED vital record from the Department or any other original custodian;

6 (ii) an individual who requests an [old] UNRESTRICTED vital record;
7 or

8 (iii) an individual who has evidence of the death of the person [or
9 persons] in the RESTRICTED vital [records] RECORD.

10 (2) An individual may examine and obtain a copy of indexes that pertain to
11 vital records that are in the custody of the Archives.

12 (3) An individual may obtain an extract of a [recent] RESTRICTED vital
13 record.

14 (4) An individual may obtain from the Archives a certified copy of the
15 original of a vital record that may be examined under paragraph (1) of this subsection.

16 (e) The Archives may charge a reasonable fee to cover the expense of copying
17 vital records or indexes to a vital record, to make extracts from [recent] RESTRICTED
18 vital records or to undertake a search for vital records.

19 (f) (1) An individual may not request a copy of VITAL RECORDS, indexes to
20 vital records, [vital records,] or extracts [to recent] FROM RESTRICTED vital records
21 for the purpose of commercial solicitation or private gain.

22 (2) The Archives may require an individual to state the individual's intended
23 use of the information obtained under this section.

24 (g) Under this section, the copying and use of vital records for disclosure, the
25 disclosure of vital records, or extracts of [recent] RESTRICTED vital records or indexes
26 does not violate the rule of confidentiality in a provision of law, including Title 10,
27 Subtitle 6 of this article or § 4-224 of the Health - General Article.

28 (h) The Archives is not liable to an individual for:

29 (1) errors in indexing or extracting information from vital records; or

30 (2) reasonable reliance on evidence that the person in a RESTRICTED vital
31 record [pertaining to birth, marriage, or divorce] is deceased.

32 (i) Unless a record has been transferred to the custody of the Archives, the
33 information disclosed under this section does not constitute an official record.

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

