

Chapter 31

(Senate Bill 105)

AN ACT concerning

Health – Vital Records – Birth Certificates – Preparation and Filing Requirements

FOR the purpose of altering the period of time within which certain persons must prepare and file a birth certificate with the Department of Health and Mental Hygiene; altering the period of time within which certain persons must provide certain information required on a birth certificate; altering the period of time within which the Secretary of Health and Mental Hygiene must verify a birth; and generally relating to birth certificates.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–208(a), (b), and (e)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 4–208(c) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

4–208.

(a) (1) Within [72 hours] **5 CALENDAR DAYS** after a birth occurs in an institution, or en route to the institution, the administrative head of the institution or a designee of the administrative head shall:

- (i) Prepare, on the form that the Secretary provides, a certificate of birth;
- (ii) Secure each signature that is required on the certificate; and
- (iii) File the certificate.

(2) The attending physician, physician assistant, nurse practitioner, or nurse midwife shall provide the date of birth and medical information that are required on the certificate within [72 hours] **5 CALENDAR DAYS** after the birth.

(3) The results of the universal hearing screening of newborns shall be incorporated into the supplemental information required by the Department to be submitted as a part of the birth event.

(4) Upon the birth of a child to an unmarried woman in an institution, the administrative head of the institution or the designee of the administrative head shall:

(i) Provide an opportunity for the child's mother and the father to complete a standardized affidavit of parentage recognizing parentage of the child on the standardized form provided by the Department of Human Resources under § 5-1028 of the Family Law Article;

(ii) Furnish to the mother written information prepared by the Child Support Enforcement Administration concerning the benefits of having the paternity of her child established, including the availability of child support enforcement services; and

(iii) Forward the completed affidavit to the Department of Health and Mental Hygiene, Division of Vital Records. The Department of Health and Mental Hygiene, Division of Vital Records shall make the affidavits available to the parents, guardian of the child, or a child support enforcement agency upon request.

(5) An institution, the administrative head of the institution, the designee of the administrative head of an institution, and an employee of an institution may not be held liable in any cause of action arising out of the establishment of paternity.

(6) If the child's mother was not married at the time of either conception or birth or between conception and birth, the name of the father may not be entered on the certificate without an affidavit of paternity as authorized by § 5-1028 of the Family Law Article signed by the mother and the person to be named on the certificate as the father.

(7) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(8) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(b) Within [72 hours] **5 CALENDAR DAYS** after a birth occurs outside an institution, the birth shall be verified by the Secretary and a certificate of birth shall be prepared, on the form that the Secretary provides, and filed by one of the following, in the indicated order of priority:

- (1) The attending individual.
- (2) In the absence of an attending individual, the father or mother.
- (3) In the absence of the father and the inability of the mother, the individual in charge of the premises where the birth occurred.

(c) When a birth occurs on a common carrier within the United States and the child is first removed from the carrier in this State, the birth shall be registered in this State, and the place where the child is first removed shall be considered the place of birth.

(d) When a birth occurs on a common carrier while in international waters, air space, or in a foreign country and the child is first removed from the carrier in this State, the birth shall be registered in this State but the certificate shall show the actual place of birth insofar as can be determined.

(e) The certificate shall be filed within [72 hours] **5 CALENDAR DAYS** after the child is removed from the carrier.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 8, 2014.