

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1011 (Delegate Szeliga, *et al.*)
Health and Government Operations

Health General - Birth Certificates - Issuance of Copies

This bill authorizes adult children to request and receive a certified or abridged copy of their parent's birth certificate.

Fiscal Summary

State Effect: None. The Department of Health and Mental Hygiene's Vital Statistics Administration can handle any increase in requests for birth certificates that may occur within existing budgeted resources. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Currently, a certified or abridged copy of a birth certificate may be issued only (1) on order of a court; (2) on request of an individual requesting his or her own birth certificate; (3) on request of a parent, guardian, surviving spouse, or other authorized representative of the individual named on the certificate; or (4) in accordance with the adoption provisions in Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article. The bill adds an adult child as an individual allowed to obtain a parent's birth certificate, even if the adult child is not an authorized representative and does not have consent.

Background: In Maryland, birth certificates are available in person, by mail, and online. Applicants can obtain birth certificates in person, with same-day service, at the Division of

Vital Records in Baltimore and at all local health departments (except Montgomery County, Baltimore City, and Baltimore County) for individuals born after 1939. Applicants must either present a valid, unexpired, government-issued photo identification or two pieces of alternative documentation.

Most states restrict access to birth certificates, although some are stricter than others. In 2010, the Records Preservation and Access Committee of the Federation of Genealogical Societies and the National Genealogical Society published a white paper that found six states (Massachusetts, Minnesota, Missouri, North Carolina, Ohio, and Vermont) had “open” birth certificate statutes. (In a seventh state, Virginia, access is open for birth records prior to 1912 but is restricted for other birth records.) In these states, virtually anyone can access another individual’s birth certificate. The majority of the other states (41 of 43) had either restricted or “closed” access. Typically, states designated as restricted had a number of years associated with that restriction, generally 75 or 100 years. The access for two states (California and Washington) was not designated in that white paper; however, a decade earlier, both states had been characterized as “open” access states in a U.S. Department of Health and Human Services, Office of the Inspector General (OIG) report on birth certificate fraud. Notably, a few other states that had been characterized as “open” access states in 2000 by OIG were characterized as restricted 10 years later, while one state appeared to have shifted to being “open” (Missouri).

Additional Information

Prior Introductions: HB 319 of 2014 received an unfavorable report from the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Maryland Association of County Health Officers, Records Preservation and Access Committee of the Federation of Genealogical Societies, National Genealogical Society, U.S. Department of Health and Human Services, Department of Legislative Services

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