

# HOUSE BILL 280

J1

6lr1464  
CF SB 931

---

By: Delegates Moon, Barron, Gutierrez, Hayes, Hill, Krimm, Luedtke, McCray, Reznik, West, and ~~K. Young~~ K. Young, Jackson, Hammen, Pendergrass, McMillan, Oaks, Pena-Melnyk, Miele, Saab, McDonough, Bromwell, Morgan, Kipke, Cullison, Sample-Hughes, Rose, and Krebs

Introduced and read first time: January 26, 2016

Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 3, 2016

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee**

3 FOR the purpose of prohibiting the Department of Health and Mental Hygiene from  
4 collecting a fee for a certain copy of a birth certificate issued to a homeless individual;  
5 requiring the Department to accept ~~a signed written statement from a homeless~~  
6 ~~individual~~ as proof of homelessness a certain statement from a certain homeless  
7 services provider; providing that a homeless individual may receive one copy of a  
8 birth certificate without a fee in a certain transaction; requiring the Department to  
9 adopt certain regulations; defining a certain term; and generally relating to  
10 prohibiting the collection of fees for copies of birth certificates issued to homeless  
11 individuals.

12 BY repealing and reenacting, with amendments,

13 Article – Health – General

14 Section 4–217

15 Annotated Code of Maryland

16 (2015 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Health – General**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 4-217.

2 (a) (1) Except as provided in subsection (b) of this section, the Secretary shall  
3 provide, on request, any person authorized by regulations adopted under this subtitle with  
4 a certified or abridged copy of a birth, death, or fetal death certificate registered under this  
5 subtitle or of the certificate of a marriage performed after June 1, 1951.

6 (2) Except as provided in subsection (b) of this section, a local health  
7 department may:

8 (i) Access electronically from the Department a certified or abridged  
9 copy of a birth certificate registered under this subtitle; and

10 (ii) On request, provide any person authorized by regulations  
11 adopted under this subtitle with a certified or abridged copy of a birth certificate registered  
12 under this subtitle.

13 (3) (i) The Secretary shall provide on request, to any person authorized  
14 by regulation adopted under this subtitle, a commemorative birth certificate.

15 (ii) The Department shall set a fee for the commemorative birth  
16 certificate.

17 (iii) The commemorative birth certificate shall:

18 1. Be in a form consistent with the need to protect the  
19 integrity of vital records but suitable for display; and

20 2. Have the same status as evidence as the original birth  
21 certificate.

22 (iv) A portion of the funds collected under this paragraph shall go to  
23 the Department for the production costs of issuing the commemorative birth certificates.  
24 The remainder of the funds collected shall be paid into the Children's Trust Fund  
25 established under § 13-2207 of this article to provide funding for the Child Abuse Medical  
26 Providers (Maryland CHAMP) Initiative.

27 (v) The Secretary shall adopt regulations to implement the  
28 provisions of this paragraph.

29 (b) (1) A certified or abridged copy of a birth certificate may be issued only:

30 (i) On order of a court of competent jurisdiction;

31 (ii) On request of the individual to whom the record relates;

1 (iii) On request of a parent, guardian, surviving spouse, or other  
2 authorized representative of the individual; or

3 (iv) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the  
4 Family Law Article.

5 (2) A certified or abridged copy of a birth certificate may contain only the  
6 personal information that appears on the birth certificate and may not include any  
7 confidential medical information that appears on the birth certificate.

8 (3) Birth certificate information may not be given if it is to be used for  
9 commercial solicitation or private gain.

10 (4) A noncertified copy of a birth certificate including confidential medical  
11 information may be provided to a unit of the Department to carry out its legal mandate or  
12 to conduct Institutional Review Board (IRB) approved research or study. Any report  
13 resulting from this research or study may not contain personal identifiers unless authorized  
14 by the subject of the record or the subject's parent or authorized representative.

15 (5) A copy of a birth certificate may be given to the Maryland Immunization  
16 Program to improve childhood immunization rates.

17 (c) (1) Except as otherwise provided by law:

18 (i) The Department shall collect a \$12 fee:

19 1. For each certified or abridged copy of a fetal death,  
20 marriage, or divorce verification certificate;

21 2. For a report that a search of the fetal death, marriage, or  
22 divorce verification certificate files was made and the requested record is not on file;

23 3. For each change to a fetal death, marriage, or divorce  
24 verification certificate made later than one year after the certificate has been registered  
25 with the Department; or

26 4. To process an adoption, foreign adoption, or legitimation;

27 (ii) The Department shall collect a \$24 fee:

28 1. **[For] EXCEPT AS PROVIDED IN PARAGRAPH (6)(II) OF**  
29 **THIS SUBSECTION, FOR** each certified or abridged copy of a birth certificate;

30 2. For the first copy of a certified or abridged death certificate  
31 issued in a single transaction;

1                                   3.     For a report that a search of the birth or death certificate  
2 files was made and the requested record is not on file; or

3                                   4.     For each change to a birth or death certificate made later  
4 than 1 year after the certificate has been registered with the Department; and

5                                   (iii)   The Department shall collect a \$12 fee for each additional  
6 certified or abridged copy of a death certificate provided concurrently with an initial  
7 requested death certificate.

8                                   (2)     From the fee the Department collects under paragraph (1) of this  
9 subsection, the Department shall transfer the entire fee to the General Fund.

10                                  (3)    (i)     Any local health department may set and collect a fee for  
11 processing and issuing a birth certificate, or for a report that a search of the files was made  
12 and the requested record is not on file, that covers:

13                                   1.     The administrative costs of providing this service; and

14                                   2.     The requirements of subparagraph (iii) of this paragraph.

15                                  (ii)    The fee set by the local health department for processing and  
16 issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not  
17 exceed the actual costs to the local health department for processing and issuing a birth  
18 certificate or a report.

19                                  (iii)   From the fee the local health department collects under  
20 subparagraph (i) of this paragraph, \$20 shall be transferred to the General Fund.

21                                  (iv)    Prior to setting and collecting a fee for processing and issuing a  
22 birth certificate or for a report under subparagraph (i) of this paragraph, the local health  
23 department shall enter into a memorandum of understanding with the Department of  
24 Health and Mental Hygiene that outlines the local health department's fee structure.

25                                  (4)     The Department or a local health department may collect a fee for a  
26 certificate requested by an agency of the State or any of its political subdivisions.

27                                  (5)     The Secretary may waive all or part of a fee if chargeable to an agency  
28 of the United States.

29                                  (6)    **(I)**    The Department may not collect a fee for a copy of a vital record  
30 issued to:

31                                   **[(i)]**   **1.**    A current or former member of the armed forces of the  
32 United States; or

1                    [(ii)] 2.     The surviving spouse or child of the member, if the copy  
2 will be used in connection with a claim for a dependent or beneficiary of the member.

3                    (II) 1.     IN THIS SUBPARAGRAPH, “HOMELESS INDIVIDUAL”  
4 HAS THE MEANING STATED IN THE FEDERAL MCKINNEY-VENTO HOMELESS  
5 ASSISTANCE ACT (42 U.S.C. § 11302(A)).

6                    2.     THE SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS  
7 SUBPARAGRAPH, THE DEPARTMENT MAY NOT COLLECT A FEE FOR A CERTIFIED OR  
8 AN ABRIDGED COPY OF A BIRTH CERTIFICATE ISSUED TO A HOMELESS INDIVIDUAL.

9                    ~~2. 3.~~ 3.     THE DEPARTMENT SHALL ACCEPT AS PROOF OF  
10 HOMELESSNESS A SIGNED WRITTEN STATEMENT FROM A HOMELESS INDIVIDUAL  
11 THAT THE INDIVIDUAL IS HOMELESS AS PROOF OF HOMELESSNESS HOMELESS  
12 SERVICES PROVIDER LOCATED IN THE STATE THAT:

13                    A.     AFFIRMS THAT THE INDIVIDUAL IS HOMELESS; AND

14                    B.     INCLUDES THE ADDRESS TO WHICH THE COPY OF THE  
15 BIRTH CERTIFICATE REQUESTED UNDER THIS SECTION MAY BE SENT.

16                    4.     A HOMELESS INDIVIDUAL MAY RECEIVE ONE COPY OF  
17 A BIRTH CERTIFICATE WITHOUT A FEE IN A SINGLE TRANSACTION.

18                    5.     THE DEPARTMENT SHALL ADOPT REGULATIONS TO  
19 IMPLEMENT THIS SUBPARAGRAPH.

20                    (d)    (1)     Any local health department may set and collect a fee for processing  
21 and issuing a death certificate that covers the administrative costs of providing this service.

22                    (2)     The fee set by the local health department for processing and issuing a  
23 death certificate under this subsection may not exceed the actual costs to the local health  
24 department for processing and issuing a death certificate.

25                    (e)     The Secretary shall include with every copy of a death certificate, in a form  
26 prescribed and provided by the Insurance Commissioner, a notice which advises that  
27 certain individuals may be entitled to continuation of group health insurance benefits  
28 under § 15-407 of the Insurance Article.

29                    (f)     The Secretary shall include with every copy of a death certificate that is  
30 completed by the Chief Medical Examiner a notice that advises a person in interest, as  
31 defined in § 4-101(g) of the General Provisions Article, of the right to appeal a denial by  
32 the Chief Medical Examiner of a request to correct findings and conclusions as to the cause  
33 and manner of death recorded on a death certificate as provided under § 5-310(d) of this  
34 article.

1 (g) A person may use a photocopy of a birth, death, fetal death, or marriage  
2 certificate for any nonfraudulent and nondeceptive purpose.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2016.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.