

HOUSE BILL 230

J1

(4lr0068)

ENROLLED BILL

— *Health and Government Operations/Judicial Proceedings* —

Introduced by **Chair, Health and Government Operations Committee (By Request – Departmental – Transportation)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration *and Local Health Departments* – Death**
3 **Certificates – Issuance of Copies**

4 FOR the purpose of authorizing the Motor Vehicle Administration *and local health*
5 *departments* to access electronically from the Maryland Department of Health a copy
6 of a death certificate and, on request, provide any person authorized by regulations
7 with a certified or abridged copy of a death certificate; authorizing the
8 Administration *and local health departments* to set and collect a fee for processing
9 and issuing death certificates, subject to certain limitations; and generally relating
10 to the issuance of copies of death certificates.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 4–217(a), (c), and (d)

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2023 Replacement Volume)

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

5 **Article – Health – General**

6 4–217.

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

11 (2) Except as provided in subsection (b) of this section and subject to
12 subsection (h) of this section, a local health department or the Motor Vehicle
13 Administration may:

14 (i) Access electronically from the Department a certified or abridged
15 copy of a birth certificate **OR DEATH CERTIFICATE** registered under this subtitle; and

16 (ii) On request, provide any person authorized by regulations
17 adopted under this subtitle with a certified or abridged copy of a birth certificate **OR DEATH**
18 **CERTIFICATE** registered under this subtitle.

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

21 (ii) The Department shall set a fee for the commemorative birth
22 certificate.

23 (iii) The commemorative birth certificate shall:

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

26 2. Have the same status as evidence as the original birth
27 certificate.

28 (iv) A portion of the funds collected under this paragraph shall go to
29 the Department for the production costs of issuing the commemorative birth certificates.
30 The remainder of the funds collected shall be paid into the Children’s Trust Fund
31 established under § 13–2207 of this article to provide funding for the Child Abuse Medical
32 Providers (Maryland CHAMP) Initiative.

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

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

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

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

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

9 3. For each change to a fetal death, marriage, or divorce
10 verification certificate made later than [one] 1 year after the certificate has been registered
11 with the Department; or

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

13 (ii) The Department shall collect a \$10 fee:

14 1. Except as provided in paragraph (6)(ii) of this subsection,
15 for each certified or abridged copy of a birth certificate;

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

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

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

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

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

27 (3) (i) Any local health department or the Motor Vehicle
28 Administration may set and collect a fee for processing and issuing a birth certificate **OR**
29 **DEATH CERTIFICATE**, or for a report that a search of the files was made and the requested
30 record is not on file, that covers:

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

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

2 (ii) The fee set by the local health department or the Motor Vehicle
3 Administration for processing and issuing a birth certificate or for a report under
4 subparagraph (i) of this paragraph may not exceed the actual costs to the local health
5 department or the Motor Vehicle Administration for processing and issuing a birth
6 certificate OR DEATH CERTIFICATE or a report.

7 (iii) From the fee the local health department or the Motor Vehicle
8 Administration collects under subparagraph (i) of this paragraph, \$10 shall be transferred
9 to the General Fund.

10 (iv) Prior to setting and collecting a fee for processing and issuing a
11 birth certificate OR DEATH CERTIFICATE or for a report under subparagraph (i) of this
12 paragraph, the local health department or the Motor Vehicle Administration shall enter
13 into a memorandum of understanding with the Maryland Department of Health that
14 outlines the local health department’s or the Motor Vehicle Administration’s fee structure.

15 (4) The Department, a local health department, or the Motor Vehicle
16 Administration may collect a fee for a certificate requested by an agency of the State or any
17 of its political subdivisions.

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

20 (6) (i) The Department may not collect a fee for a copy of a vital record
21 issued to:

22 1. A current or former member of the armed forces of the
23 United States; or

24 2. The surviving spouse or child of the member, if the copy
25 will be used in connection with a claim for a dependent or beneficiary of the member.

26 (ii) 1. In this subparagraph, “homeless individual” has the
27 meaning stated in the federal McKinney–Vento Homeless Education Assistance
28 Improvements Act of 2001 [(42 U.S.C. § 11302(a))].

29 2. Subject to subparagraph 4 of this subparagraph, the
30 Department may not collect a fee for a certified or an abridged copy of a birth certificate
31 issued to a homeless individual.

32 3. The Department shall accept as proof of homelessness a
33 signed written statement from a homeless services provider located in the State that:

1 A. Affirms that the individual is homeless; and

2 B. Includes the address to which the copy of the birth
3 certificate requested under this section may be sent.

4 4. A homeless individual may receive one copy of a birth
5 certificate without a fee in a single transaction.

6 5. The Department shall adopt regulations to implement this
7 subparagraph.

8 (iii) The Department may not collect a fee for a certified or abridged
9 copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed
10 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder
11 and will be used in connection with a claim for a dependent or beneficiary of the first
12 responder.

13 (d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, any
14 local health department **OR THE MOTOR VEHICLE ADMINISTRATION** may set and collect
15 a fee for processing and issuing a death certificate that covers the administrative costs of
16 providing this service.

17 (ii) A local health department **OR THE MOTOR VEHICLE**
18 **ADMINISTRATION** may not collect a fee for processing and issuing a certified or abridged
19 copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed
20 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder
21 and will be used in connection with a claim for a dependent or beneficiary of the first
22 responder.

23 (2) The fee set by the local health department **OR THE MOTOR VEHICLE**
24 **ADMINISTRATION** for processing and issuing a death certificate under this subsection may
25 not exceed the actual costs to the local health department **OR THE MOTOR VEHICLE**
26 **ADMINISTRATION** for processing and issuing a death certificate.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2024.