
By: Delegates Grosfeld and Marriott

Introduced and read first time: January 23, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Vital Statistics - Certificate of Birth - Reissue After Change of Sex

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene, upon receipt
4 of a court order and on request of a certain individual, to issue a new certificate of
5 birth for a certain individual born in this State whose sex has been changed by a
6 certain surgical procedure, which certificate shall contain the individual's correct
7 sex and, if ordered by a court, correct name; requiring the Department of Health
8 and Mental Hygiene to retain and seal the individual's original certificate of birth,
9 certain evidence upon which the order to issue a new certificate of birth is based,
10 and related documents and to unseal them only under certain circumstances;
11 requiring the Department to disclose information that is stored on certain electronic
12 media about the issuance of a new certificate of birth only under certain
13 circumstances; and generally relating to the issuance of a certificate of birth to an
14 individual whose sex has been changed by surgical procedure.

15 BY repealing and reenacting, without amendments,
16 Article - Health - General
17 Section 4-214(a)
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 4-214(b)
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1996 Supplement)

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

27 Article - Health - General

28 4-214.

29 (a) A certificate or record registered under this subtitle may be amended only in
30 accordance with this subtitle and any rules and regulations that the Secretary adopts to
31 protect the integrity and accuracy of vital records.

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1 (b) (1) [If] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, [any] IF A
2 certificate of birth, death, or fetal death is amended, the facts shall be certified to the
3 Secretary and entered on the original certificate with the date of the amendment, over the
4 signature or initials of a designee of the Secretary and with a line drawn through the
5 original data.

6 (2) [All] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION,
7 amendments may be stored on electronic media approved by the Secretary.

8 (3) [All] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, copies of
9 certificates that are amended shall contain a notation that an amendment has been made.

10 (4) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A record
11 shall be maintained which identifies the evidence upon which the amendment was based,
12 the date of the amendment, and the identity of the person making the amendment.

13 (5) (I) Upon receipt of a certified copy of an order of a court of
14 competent jurisdiction indicating the sex of an individual born in this State has been
15 changed by surgical procedure and ON REQUEST OF THE INDIVIDUAL, whether such
16 individual's name has been changed, the Secretary shall [amend the] ISSUE A NEW
17 certificate of birth [of] FOR the individual INCLUDING THE CORRECT SEX AND, IF
18 ORDERED BY A COURT, THE CORRECT NAME OF THE INDIVIDUAL as prescribed by
19 regulation.

20 (II) THE DEPARTMENT SHALL RETAIN AND SEAL THE ORIGINAL
21 CERTIFICATE OF BIRTH, ALL EVIDENCE UPON WHICH THE ORDER TO ISSUE A NEW
22 CERTIFICATE OF BIRTH UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS BASED,
23 AND ANY OTHER RELATED DOCUMENTS.

24 (III) THE DEPARTMENT MAY UNSEAL THE MATERIAL SEALED
25 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR DISCLOSE INFORMATION
26 STORED ON ELECTRONIC MEDIA ABOUT A CERTIFICATE OF BIRTH ISSUED UNDER
27 THIS PARAGRAPH ONLY UNDER AN ORDER OF A COURT OF COMPETENT
28 JURISDICTION OR WITH THE PERMISSION OF THE INDIVIDUAL.

29 (6) When an informant does not submit the minimum documentation
30 required in the regulations for amending a vital record or when the Secretary has cause to
31 question the validity or adequacy of the applicant's sworn statements or the documentary
32 evidence, and if the deficiencies are not corrected, the Secretary shall not amend the vital
33 record and shall advise the applicant of the reason for this action and shall further advise
34 the applicant of the right of appeal to the Office of Administrative Hearings.

35 (7) Any amendments to death certificates requested beyond 3 years or more
36 after the death shall require a court order.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1997.